

SESSION LAWS
OF THE
STATE OF WASHINGTON

TWENTY-NINTH SESSION

Convened January 8, Adjourned March 8

1945

Compiled in Chapters by BELLE REEVES,
Secretary of State

MARGINAL NOTES AND INDEX

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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-ninth Legislature of the State of Washington convened at 12 o'clock noon, January 8, 1945 (being the second Monday in January), and adjourned *sine die* March 8, 1945.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock midnight, June 6, 1945, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

Belle Reers

Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Eighth Extraordinary Session

1944

CHAPTER 1.

[H. B. 4.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of thirty-six thousand dollars (\$36,000), or so much thereof as may be necessary, for the actual and necessary expenses of the Extraordinary Session of the Twenty-eighth 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 thirty-six thousand dollars (\$36,000), or so much thereof as may be necessary, to be used for the purpose of paying the expenses, except legislative printing, of the Extraordinary Session of the Twenty-eighth Legislature of the State of Washington, convening February 28, 1944.

Legislative
expense ap-
propriation.

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

Effective
immediately.

Passed the House March 2, 1944.

Passed the Senate March 3, 1944.

Approved by the Governor March 4, 1944.

CHAPTER 2.

[H. B. 5.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of seventeen thousand five hundred dollars (\$17,500.00), or so much thereof as may be necessary for the printing of the Extraordinary Session of the Twenty-eighth 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 seventeen thousand five hundred dollars (\$17,500.00), or so much thereof as may be necessary, to pay for such printing as may be ordered by the Extraordinary Session of the Twenty-eighth Session of the Legislature, convened February 28, 1944, or either branch thereof.

Legislative printing appropriation.

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

Effective immediately.

Passed the House March 2, 1944.

Passed the Senate March 3, 1944.

Approved by the Governor March 4, 1944.

CHAPTER 3.

[H. B. 6.]

SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00), 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:

SECTION 1. That there is hereby appropriated out of the general fund of the State of Washington the sum of fifteen thousand dollars (\$15,000.00), 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 showing such expenditures.

Legislative
subsistence
expense ap-
propriation.

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

Effective
immediately.

Passed the House March 2, 1944.

Passed the Senate March 3, 1944.

Approved by the Governor March 4, 1944.

CHAPTER 4.

[H. B. 1.]

WAR TIME ELECTIONS AND VOTING.

AN ACT relating to elections and voting in time of war, making an appropriation and declaring an emergency.

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

Declaration of public policy for wartime elections.

SECTION 1. Thousands of citizens and electors of this state are outside the state and many are in foreign countries, engaged in service essential to the war effort of the United States. Their services are such that they will be away from this state and in foreign countries at the time elections are held in this state. If present in this state, such electors would be entitled to vote at the coming elections. Under the existing election laws of this state it is impossible for many of such electors to cast a ballot and in most instances it will be impossible for them to obtain and return an absent voter's ballot in time for such ballot to be counted. It is essential to the public welfare of the United States and of this state and to the public peace, health and safety that all such electors be given the right to freely express their choice at the polls and to effectively exercise their voting rights.

Expiration date.

SEC. 2. The provisions of this act shall remain in effect until ninety (90) days after the final adjournment of the twenty-ninth regular session of the Legislature or until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Supersedes conflicting laws.

While this act is in effect it shall supersede any existing provision of law in conflict with it, but such provisions are not repealed and after this act is no longer effective such provisions shall have the same force as though it had not been enacted.

Nothing contained in this act shall affect any municipal, district or local election, it being the intent

that this act shall apply only to the biennial State-wide Primary and General Elections and such State-wide special elections as may be consolidated therewith.

Affects statewide elections only.

SEC. 3. "War voter" means an elector who comes within any of the following categories:

Definitions.

War voter.

(a) Member of the armed forces of the United States or any auxiliary branch thereof.

Armed force members.

(b) Employee of the United States and serving outside the territorial limits of the United States.

Employees of United States.

(c) Employee of the American Red Cross and serving outside the territorial limits of the United States.

(d) Officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.

Merchant crew members.

(e) Civilian outside the United States attached to and serving with the armed forces.

Civilians.

(f) Any citizen of the State of Washington sojourning outside the territorial limits of the United States.

Citizens.

(g) Every person, eligible to register and qualified to vote, who has been discharged from the armed forces too late to register as a voter at the time when, and at the place where, registration is required.

Discharged persons.

SEC. 4. "Territorial limits of the United States" means the forty-eight states of the United States and the District of Columbia.

Territorial limits.

SEC. 5. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under the provisions of that law may be given the same effect as an application for an absent voter's ballot made under this act.

Absentee voting under other acts.

SEC. 6. It shall be the duty of all public officers having duties to perform under this act to coordinate their efforts with the action of any Federal authority

Duties of public officers.

now or hereafter established by act of Congress for the purpose of facilitating voting by war voters to the end that such voters may cast their ballots with the least possible interference with the performance of their duties in the armed forces.

War voters application deemed absent voters application.

SEC. 7. Whenever an application for an absent voter's ballot is made by a war voter, the application shall be deemed an application for an absent voter's ballot for the primary election and general election, or such of them as would be required to be held subsequent to the date of application. No application for an absent voter's ballot by any war voter shall be denied for the reason that it was made prior to the effective date of this act.

May secure ballot by mail.

SEC. 8. Any war voter may secure absent voters' ballots by mailing a signed request to the registration officer of the county, city or town of the war voter's residence or to the Secretary of State requesting such ballot. If the ballot request is addressed to the Secretary of State such request shall be forwarded by such officer immediately to the appropriate registration officer. The request shall be signed by the applicant and shall state his last home address, the address to which he wishes the absent voter's ballot mailed and the branch of service to which applicant is attached. No request for an absent voter's ballot shall be rejected because of any error or insufficiency therein if the registration official can determine from such request the true name and address of the applicant.

Contents of request.

Rejection limited.

Ballot request by others defined.

In the alternative, a war voter's ballot may be requested on behalf of any war voter who is outside the territorial limits of the United States by the husband, wife, father, mother, sister, brother, son or daughter of such person, other than a minor, who on requesting a ballot for such war voter shall execute a sworn statement that the person for whom the ballot is requested is a legal voter of the State of Washington,

giving such person's name and voting address and the address to which the ballot is to be mailed. Such sworn statement shall be presented to the County Auditor of the voter's residence who shall thereupon act on such request in the same manner as requests received under the provisions of the first paragraph of this section. The County Auditor shall exercise due care and precaution to prevent duplication in the issuance of such ballots.

Sworn statement to auditor.

Duties of auditor.

SEC. 9. Upon receipt of a request made by a war voter for an absent voter's ballot, the registration officer shall immediately check his records and ascertain if such applicant is a registered voter. If such check shows that such applicant is a duly registered voter as provided by chapter 1 of the Laws of 1933 and amendments thereto, he shall make notation on his records that such ballot has been requested in the manner provided by existing law. If the applicant be a resident of an incorporated city or precinct lying partly within and partly without such incorporated city, the registration officer, after completing such check, shall immediately forward the request to the County Auditor noting thereon whether or not the applicant is a registered voter. If it be determined that such applicant is not a registered voter, the County Auditor shall nevertheless send the absent voter's ballot requested, it being the intent of this section that the County Auditor shall upon request send absent voters' ballots to all war voters who make application therefor.

Registration officer shall check records.

Forward request to county auditor.

If applicant not registered ballot shall be sent.

SEC. 10. In mailing absent voters' ballots to war voters, the County Auditor shall send the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the County Auditor and upon the back of which large envelope there shall be plainly printed a form of affidavit in substantially the following language:

Ballot sent in separate envelope.

Form of affidavit on envelope.

"I do hereby solemnly swear (or affirm) that I am a citizen of the United States; that I will be at least twenty-one (21)

years of age on the day of the next election; that I am able to read and speak the English language; that I have been a legal resident of the State of Washington for at least one year, of the county of.....for at least ninety days and of the city or town of.....at.....

(Street number if any) for at least thirty days preceding such election; that I am in the armed services of the United States or otherwise a war voter; that on the basis of these statements I desire to be registered as a voter in the proper precinct of the proper county.

.....
(Signature of Applicant)

"Subscribed and sworn to (or affirmed) before me thisday of....., 19.....

.....
Signature of Officer or Non-commissioned Officer not below the rank of Sergeant or Petty Officer

.....
Branch of Service

.....
Identification Number"

SEC. 11. Upon receiving the absent voter's ballot the war voter shall have the right on or before the day of the election to appear before any commissioned officer, warrant officer, or non-commissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, or other person authorized to administer or attest oaths, identify himself, and execute the affidavit printed upon the back of the larger envelope. A properly executed affidavit is hereby declared to be a full and complete voter's registration. After such affidavit shall be fully executed, the war voter shall then proceed to mark the ballot in the presence of the person administering the oath but in such manner that such person is unable to see how the same is marked, and then fold said ballot and enclose and seal the same in the smaller envelope and then enclose and seal such smaller envelope in the larger envelope, and then mail such larger envelope to the County Auditor whose name and address are printed thereon, by air

Executed affidavit declared complete registration.

mail, postage to be paid by the addressee, unless the laws of the United States shall provide for air mail transmission of such ballot without charge.

SEC. 12. A variation on any absent voter's ballot cast by a war voter between the signature on the large envelope and that on the war voter's request and/or that on the voter's permanent registration card caused by the substitution of initials instead of the first or middle initials or both shall not invalidate the ballot if the surname and handwriting are the same.

Variations of signature shall not invalidate ballot.

SEC. 13. Whenever the County Auditor is requested to mail an absent voter's ballot to any war voter he shall mail the absent voter's ballot to the war voter by air mail and if, by any law of the United States, official election ballots may be mailed without the payment of postage he shall do so.

Auditor shall air mail ballot.

SEC. 14. Notwithstanding any provision of law relating to the form, size, weight and contents of the ballot or the envelopes in which absent voters' ballots are sent for either the primary or general election, the Secretary of State may prescribe, in his discretion, a form of ballot for use by war voters in any of said elections and may reduce the size and weight of the ballot and, in such manner as to facilitate the transmission of the ballot by mail to war voters, rearrange the form of ballot and rearrange, without elimination or addition, the contents thereof. He may also prescribe uniform envelopes for use in absent voters' ballots sent to war voters, and shall reimburse the respective County Auditors for all expenses directly arising from the cost of administering this act. Such expenses may include war voters' envelopes, ballots, cost of mailing and necessary clerical work. Each County Auditor shall, through the respective Board of County Commissioners, present such expenses listed upon state voucher forms in duplicate, listing in detail all said expenses. The

Secretary of State may prescribe forms.

Shall reimburse county auditors.

Payment.

Secretary of State, after approval of said vouchers, shall then present same to the State Auditor for payment. State warrants so issued shall be charged to any moneys appropriated by this act.

Letters of instruction.

SEC. 15. The Secretary of State shall prepare letters of instructions to war voters and shall furnish the same to all County Auditors. The County Auditor shall enclose one copy of such instructions with the ballot sent to all war voters.

Intent of act with relation to existing law.

SEC. 16. All procedure governing the receipt and subsequent handling of absent voters' ballots cast by war voters shall as nearly as possible be governed by existing law but the respective time limits within which some specific act on the part of the County Auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by war voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by war voters so that such ballots shall be counted if possible.

Primary date.

SEC. 17. The primary election provided for by section 5179 of Remington's Revised Statutes shall be held on the second Tuesday of July of even numbered years.

Declarations when filed.

SEC. 18. Declarations of candidacy shall be filed not less than sixty (60) nor more than ninety (90) days prior to the primary election.

Certified list of candidates.

SEC. 19. At least fifty (50) days before the July primary the Secretary of State shall transmit to each County Auditor a certified list containing the name, post office address and party designation of each person to be voted for at such primary, and the office for which he is a candidate, as appears by the nomination papers filed in this office.

Each County Auditor shall, at least forty-five (45) days before the July primary, publish the no-

notice required by section 5185 of Remington's Revised Statutes. Notice published.

SEC. 20. The opening, counting and canvassing of absent voters' ballots cast by war voters at the primary election shall begin on the day after the primary election and shall proceed until the twenty-fifth day after such election. Only absent voters' ballots cast by war voters which are received on or before the twenty-fifth day after the primary election shall be counted. The County Election Board shall not finally complete the counting and canvassing of votes cast at the primary election until the twenty-seventh day after such election. Ballots counted and canvassed.

When completed.

SEC. 21. Canvass of primary votes by the State Canvassing Board shall be conducted on or before forty-five (45) days after the July primary. Canvass of primary votes.

SEC. 22. Conventions of new political parties or existing political organizations not entitled to participate in primary elections shall be held on the day of the July primary. Conventions of new parties.

SEC. 23. The filing of certificates of nomination and declarations of candidacy of persons nominated at conventions must be complete twenty (20) days after the date of the July primary. When filings completed.

SEC. 24. No vacancy on any party ticket unless caused by death of the candidate shall be filled after fifty-five (55) days prior to the general election. Vacancy.

SEC. 25. Not less than fifty-five (55) days before the general election, the Secretary of State shall certify to the County Auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person declared nominated by the State Canvassing Board. When person declared nominated.

SEC. 26. The opening, counting and canvassing of absent voters' ballots cast by war voters at the general election shall begin on the day after the When general election ballots counted and canvassed.

general election and shall proceed until the eighteenth day after such election. Only absent voters' ballots cast by war voters which are received on or before the eighteenth day after the general election shall be counted. The County Election Board shall not finally complete the counting and canvassing of votes cast at the general election until the twentieth day after such election.

Delays
forbidden.

SEC. 27. The State Canvassing Board, all County Canvassing Boards and all County Auditors and registration officials shall make no undue delay in performing any of the specific actions hereby imposed upon them. All ballots shall be printed as soon as possible after the same can be made up in order that there may be no delay in the forwarding of absent voters' ballots to war voters so as to afford ample time to all war voters for voting as herein provided.

Powers and
duties of
Secretary
of State.

SEC. 28. The Secretary of State shall have the power and it shall be his duty to administer this act; to direct all election officials in respect to their duties under this act; to publicize the provisions hereof and to make such rules and regulations as will facilitate the operation and the accomplishment of the purposes of this act.

Vetoced.

SEC. 29. All provisions of the existing general laws relating to primary and general elections shall remain in full force, virtue and effect except in so far as they may be superseded by some express provision: *Provided, however,* That at all elections held during the effective period of this act the voting polls shall remain open on both Primary and General Election Days for fourteen (14) continuous hours from eight o'clock A. M. until ten o'clock P. M.

Act
liberally
construed.

SEC. 30. This act shall be liberally construed to accomplish its purposes and so that all war voters may be afforded an opportunity to fully exercise their voting rights granted herein.

SEC. 31. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act or the application of such provision to other persons or circumstances, shall not be affected thereby. Partial
invalidity.

SEC. 32. There is hereby appropriated to the Secretary of State from the general fund the sum of one hundred seventy thousand dollars (\$170,000.00) for the purpose of carrying the provisions of this act into effect. Appropriation.

SEC. 33. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately. Effective
immediately.

Passed the House March 2, 1944.

Passed the Senate March 3, 1944.

Approved by the Governor March 16, 1944, with the exception of Sec. 29, which is vetoed.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Ninth Regular Session

1945

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of two hundred fifteen thousand dollars (\$215,000), or so much thereof as may be necessary, for the actual and necessary expenses of the Legislature and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund of the State of Washington the sum of two hundred fifteen thousand dollars (\$215,000), or so much thereof as may be necessary, to be used for the purpose of paying the expenses, except legislative printing, of the Legislature of the State of Washington.

Legislative
expense ap-
propriation.

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

Effective
immediately.

Passed the Senate January 8, 1945.

Passed the House January 8, 1945.

Approved by the Governor January 11, 1945.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, for the printing ordered by the Legislature, and declaring an emergency.

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

Legislative printing appropriation.

SECTION 1. There is hereby appropriated out of the general fund of the State of Washington the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, to pay for such printing as may be ordered by the Legislature, or either branch thereof.

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 January 8, 1945.

Passed the House January 8, 1945.

Approved by the Governor January 11, 1945.

CHAPTER 3.

[S. B. 3.]

SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN Act appropriating the sum of eighty-seven thousand dollars (\$87,000), 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:

SECTION 1. There is hereby appropriated out of the general fund of the State of Washington the sum of eighty-seven thousand dollars (\$87,000), 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 ten dollars (\$10) per day, to be evidenced by the duly verified vouchers of the respective members of the Legislature.

Legislative
subsistence
expense ap-
propriation.

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

Effective
immediately.

Passed the Senate January 8, 1945.

Passed the House January 8, 1945.

Approved by the Governor January 11, 1945.

CHAPTER 4.

[H. B. 6.]

LIMITING SUBSISTENCE EXPENSES OF LEGISLATORS.

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 amending section 1 of chapter 173 of the Laws of 1941 (Remington's Revised Statutes, section 8153-1, also Pierce's Perpetual Code 723-1), and declaring that the act shall take effect immediately.

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

Amendment. SECTION 1. That section 1, chapter 173 of the Laws of 1941 (section 8153-1 Remington's Revised Statutes, also Pierce's Perpetual Code 723-1) be amended to read as follows:

Legislators reimbursed for actual expenses. 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 ten dollars (\$10.00) per day.

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

Passed the House January 9, 1945.

Passed the Senate January 9, 1945.

Approved by the Governor January 17, 1945.

CHAPTER 5.

[S. B. 28.]

DEFICIENCY APPROPRIATION FROM HAY AND GRAIN INSPECTION FUND.

AN ACT appropriating thirty thousand dollars (\$30,000) for the Department of Agriculture from the grain and hay inspection fund, and declaring an emergency.

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

SECTION 1. To provide for a deficit in the operation of the grain and hay inspection division during the present biennium due to extraordinary conditions, there is hereby appropriated for the department of agriculture from the grain and hay inspection fund the sum of thirty thousand dollars (\$30,000) for salaries, wages and operations, or so much thereof as may be necessary.

Agriculture department deficiency appropriation.

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

Effective immediately

Passed the Senate January 23, 1945.

Passed the House January 24, 1945.

Approved by the Governor January 29, 1945.

CHAPTER 6.

[H. B. 24.]

ADOPTION OF PIERCE'S WASHINGTON CODE, 1943, AS OFFICIAL COMPILATION OF LAWS.

AN ACT to adopt Pierce's Washington Code, 1943, as an official compilation of the laws, and for continuation thereof, and declaring that this act shall take effect immediately.

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

Adoption of Pierce's Perpetual Code.

SECTION 1. The compilation of the session laws by Frank Pierce, known as Pierce's Code, 1943, is adopted as an official compilation of the laws, and shall be hereafter known as Pierce's Perpetual Code, and may be abbreviated PPC

SEC. 2. The legislature shall amend or repeal existing laws by code numbers.

Code, how cited.

Germane matter shall be incorporated in existing laws to prevent conflict and obey constitutional mandate.

SEC. 3. The citation of any numbered subject shall include all sections under the number cited.

SEC. 4. The Secretary of State is hereby authorized to certify future editions of the code, and supplements thereof, when presented by the publishers, and when so certified shall be received as *prima facie* evidence of the laws contained therein, in all courts and by all public officials.

Future editions.

The legislature shall cite such future editions to the same effect as the code hereby adopted.

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 January 29, 1945.

Passed the Senate February 8, 1945.

Approved by the Governor February 13, 1945.

CHAPTER 7.

[S. H. B. 136.]

SENIOR CITIZEN GRANTS.

AN ACT relating to eligibility for, and payment of, Senior Citizen Grants; amending section 3, chapter 1, Laws of 1941 (section 9998-36, Rem. Supp. 1941, also Pierce's Perpetual Code 921-5); section 4, chapter 1, Laws of 1941, as amended by section 1, chapter 159, Laws of 1943 (section 9998-37, Rem. Stat. 1943, also Pierce's Perpetual Code 921-7); and section 5, chapter 1, Laws of 1941, as amended by section 2, chapter 159, Laws of 1943 (section 9998-38, Rem. Supp. 1943, also Pierce's Perpetual Code 921-9); providing date and times of payments hereunder; and adding a new section to chapter 1, Laws of 1941, to be known as section 24; and declaring an emergency.

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

SECTION 1. Section 3, chapter 1, Laws of 1941 (section 9998-36, Rem. Supp. 1941, also Pierce's Perpetual Code 921-5), is amended to read as follows:

Definitions:

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

Applicant.

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

Recipient.

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

Senior Citizens Grant.

(d) "Senior Citizen" 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.

Senior Citizen.

(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.

Department.

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

Director.

Income.

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

Use of premises.

(1) The value of the use or occupancy of the premises in which the applicant resides.

Foodstuffs, utilities, services.

(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.

Gifts.

(3) Gifts in cash or kind of a casual and non-recurring nature which do not materially affect the Senior Citizen's income.

Sale of property.

(4) 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.

Resources defined.

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

Ability of relatives.

(1) The ability of relatives or friends of the applicant to contribute to the support of the applicant.

Insurance policies.

(2) Insurance policies, the cash surrender value of which does not exceed \$500.

Home.

(3) The homestead, home or place of residence of applicant or the spouse of applicant.

Personal property.

(4) Intangible property or personal property, the cash value of which does not exceed \$200.

Personal effects.

(5) The personal effects of the applicant, including clothing, furniture, household equipment and motor vehicle.

Foodstuff, utility, services.

(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.

Amendment.

SEC. 2. Section 4, chapter 1, Laws of 1941, as amended by section 1, chapter 159, Laws of 1943 (section 9998-37, Rem. Supp. 1943, also Pierce's Perpetual Code 921-7), is amended to read as follows:

Section 4. *Eligibility.* Senior Citizen Grant shall be awarded to any person who is without resources who: Eligibility.

- (a) Has attained the age of sixty-five. Age.
- (b) Has a yearly income which is less than \$600 and a monthly income which is less than \$50 or has income insufficient to meet his or her needs. Income.
- (c) Has been a resident of the State of Washington for at least five years within the last ten. Residence.
- (d) Is not at the time of making application a permanent inmate of a public institution of a custodial, correctional, or curative character: *Provided*, That this shall not prevent the Department from paying a grant to meet personal and incidental needs of Senior Citizens in county hospitals. Not a public charge.
- (e) Has not made a voluntary assignment or transfer of property or cash for the purpose of qualifying for a Senior Citizen Grant. County hospitals.
Has not made assignment or transfer of property.

SEC. 3. Section 5, chapter 1, Laws of 1941, as amended by section 2, chapter 159, Laws of 1943 (section 9998-38, Rem. Supp. 1943, also Pierce's Perpetual Code 921-9), is amended to read as follows:

Section 5. *How and When Grants Shall Be Paid.* Senior Citizen Grants shall be awarded on a uniform state-wide basis: Uniform basis.

(a) To each eligible Senior Citizen sixty-five years of age or over for the purpose of assisting him to meet his needs: *Provided*, That such grant when added to his income shall equal not less than \$50 per month. In order to determine a Senior Citizen's need the Department shall establish objective budgetary guides based upon actual living cost studies of the items in the budget. Such living cost studies shall be renewed or revised at least once a year; and whenever there is a change of five per cent (5%) or more in the cost of any of the items of the budget common to any category of Senior Citizens such change shall be reflected in the deter- Method of computation

mination of his need. For the purpose of this section the term "category" shall mean such distinction as prevails between single Senior Citizens living alone, husbands and wives living together and any other sizeable group of Senior Citizens who can by determination of the Department be placed in separate categories. The budgetary guide shall include the cost of basic items essential to the maintenance of the Senior Citizen, and shall make provisions for other items, which though not common to all may be essential to the maintenance of a wholesome standard by individuals in unusual circumstances: *Provided*, That Senior Citizens found to be without any resources and income shall receive a grant of not less than \$50 per month: *Provided further*, That upon any determination or redetermination of the need of the recipients the Department shall inform each Senior Citizen of the amount of the grant and the basis upon which it is determined. To each Senior Citizen residing in a county hospital the Department shall award a grant to meet his needs of a personal and incidental character.

(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.

SEC. 4. Chapter 1, Laws of 1941, is amended by adding thereto a new section to be known as section 24, which shall read as follows:

Section 24. The increased grants provided herein shall be paid to all eligible applicants and recipients as of May 1, 1945: *Provided*, That if the Department is unable by that date to make adjustments in the payment of the grant to any Senior Citizen eligible as of that date the adjustment in the amount of the grant shall be made retroactive to that date.

Increased grants paid May 1, 1945.

SEC. 5. This act is necessary for the immediate preservation of the public health, peace and safety, the support of the state government and its existing public institutions and shall take effect May 1, 1945.

Effective May 1, 1945.

Passed the House February 9, 1945.

Passed the Senate February 14, 1945.

Approved by the Governor February 16, 1945.

CHAPTER 8.

[S. B. 42.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF LABOR AND INDUSTRIES.

AN ACT making a deficiency appropriation for the payment of operations expense for the Department of Labor and Industries, and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriations made by the Twenty-eighth Regular Session of the Legislature, the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in several funds in the state treasury hereinafter named and for the purposes herein below designated for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945:

Deficiency appropriation Department of Labor and Industries.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

FROM THE GENERAL FUND

Operations \$10,120.77

FROM THE MEDICAL AID FUND

Appeal costs:

Operations \$5,000.00

FROM THE ACCIDENT FUND

Appeal costs:

Operations \$5,000.00

Effective immediately.

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

Passed the Senate January 30, 1945.

Passed the House February 13, 1945.

Approved by the Governor February 17, 1945.

CHAPTER 9.

[H. B. 34.]

CONTROL OF INSECT PESTS AND PLANT DISEASES.

AN ACT to prevent the introduction of insect pests and plant diseases and to control and/or eradicate insect pests and plant diseases in the State of Washington; authorizing the Director of Agriculture to acquire property for certain designated uses; validating certain proceedings heretofore had and done by the Director of Agriculture and/or the Division of Horticulture; to establish a system of certifying nursery stock; prescribing the duties of certain officials; repealing chapter 11, Laws of 1941 (sections 2787-2 and 2787-3, Rem. Supp. 1941, also Pierce's Perpetual Code 635-103), and chapter 13, Laws of 1943 (section 2787-1a to section 2787-4a, both inclusive, Rem. Supp. 1943, also Pierce's Perpetual Code 254n-51 to 55); making an appropriation, and providing that this act shall take effect April 1, 1945.

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

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, are authorized and empowered to apply such quarantine control methods as may be necessary to prevent the introduction of insect pests or plant diseases that may be destructive to the agricultural or horticultural industries of the State of Washington, and to apply such methods as may be necessary for quarantine, and/or eradication, and/or control of insect pests or plant diseases that are now established or later become established in the State of Washington that may seriously endanger the agricultural or horticultural industries of the State of Washington.

Department of Agriculture directed to prevent pests and plant diseases.

SEC. 2. The Director of Agriculture and the Supervisor of Horticulture are authorized to cooperate with any individual, group of citizens, municipalities and counties of the State of Washington, the State College of Washington or any of its experiment stations, and/or with the Secretary of Agriculture of the United States and such agencies as the secretary may designate, and/or with any other state or states, agency or group the Director of Agriculture may designate, to carry out the provisions of this act.

Cooperation with other agencies.

SEC. 3. The Director of Agriculture shall have the power and authority to acquire in fee or in trust, by gift, or, whenever funds are appropriated for such purpose, by purchase, easement, lease or condemnation, such lands or other property, water supplies, and rights of way therefor, and the maintenance of same, as may be deemed necessary for the use of the Department of Agriculture in establishing quarantine stations, and/or farms for the purpose of the prevention, eradication, elimination and control of insect pests or plant diseases that infect the agricultural or horticultural products of the State of Washington.

May establish quarantine stations or farms.

SEC. 4. The Director of Agriculture is authorized to enter into agreements with individuals, associa-

Agreements
with others.

tions and companies for the purpose of certifying nursery stock grown under the rules and regulations promulgated by the Director of Agriculture and, from time to time, to fix, change and adjust fees for such services rendered, and any agricultural and horticultural commodities incidentally produced in any operation hereunder and sold, said fees to be deposited with the State Treasurer to the credit of the General Fund. All actions of the Director of Agriculture and/or the Department of Agriculture in accepting deeds from any individual or group of individuals for any of the purposes heretofore specifically enumerated are, from the date of the acceptance of such deed, hereby ratified and validated.

Fees.

Prior acts
validated.

May
provide
funds.

SEC. 5. The Director of Agriculture, acting by and through the Supervisor of Horticulture of the State of Washington, may, in his discretion, provide funds for technical or scientific services, labor, materials and supplies for the purposes specified in sections 1, 2, 3 and 4.

Repeals.

SEC. 6. Chapter 11, Laws of 1941 (sections 2787-2 and 2787-3, Rem. Supp. 1941, also Pierce's Perpetual Code 635-103) and chapter 13, Laws of 1943 (section 2787-1a to section 2787-4a, both inclusive, Rem. Supp. 1943, also Pierce's Perpetual Code 254n-51 to 55) are hereby repealed.

Appropriation.

SEC. 7. There is hereby appropriated the sum of two hundred and fifty thousand dollars (\$250,000), or as 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, State Department of Agriculture, for the purposes specified in this act.

Effective
immediately.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of the state govern-

ment and its existing public institutions and shall take effect April 1, 1945.

Passed the House February 6, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 10.

[H. B. 143.]

VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

AN ACT authorizing Volunteer Firemen in fire protection districts and in water districts, to participate in the Volunteer Firemen's Relief and Compensation Fund, and prescribing the duties of Fire Commissioners in fire protection districts, and of Water Commissioners in water districts; and amending sections 1 and 2, chapter 137, Laws of 1943 (sections 5654-152 and 5654-153, Remington's Revised Statutes, also Pierce's Perpetual Code 540-121, 540-123).

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

SECTION 1. That section 1, chapter 137, Laws of 1943 (sections 5654-152, Remington's Revised Statutes, also Pierce's Perpetual Code 540-121), be amended to read as follows:

Amendments.

Section 1. Fire protection districts organized under chapter 34, Laws of 1939, as amended by chapter 70, Laws of 1941 (sections 5654-102 to 5654-109, both inclusive, 5654-111 to 5654-116, both inclusive, 5654-118, 5654-119, 5654-121 to 5654-137, both inclusive, 5654-140 to 5654-151, both inclusive, Remington's Revised Statutes, Supplement, and sections 5654-101, 5654-110, 5654-116a, 5654-117, 5654-120, 5654-138 and 5654-139, Rem. Supp. 1941; sections 2409-51 to 2409-101, Pierce's Code), and water districts organized under chapter 114, Laws of 1929, as amended by chapter 71, Laws of 1931, and chapter 177, Laws of 1943 (sections 11579-11604, both inclu-

Benefits extended to fire protection districts.

sive, Remington's Revised Statutes; sections 11604-13 to 11604-16, both inclusive, Remington's Supplement 1943; sections 994-1 to 994-70, Pierce's 1943 Code), are hereby authorized to participate in the Volunteer Firemen's Relief and Compensation Fund established by chapter 121, Laws of 1935, as amended by chapter 49, Laws of 1939 (sections 9578-1 to 9578-11, both inclusive, Remington's Revised Statutes, Supplement; sections 4449a-41 to 4449a-51, both inclusive, Pierce's Code), upon the same terms and conditions as provided thereunder for municipalities of the state. Volunteer Firemen employed by such fire protection districts and water districts and their families shall be entitled to the same relief and compensation as Volunteer Firemen of such municipalities and their families and upon the same terms and conditions.

Terms.

SEC. 2. That section 2, chapter 137, Laws of 1943 (section 5654-153, Remington's Revised Statutes, also Pierce's Perpetual Code 540-123), be amended to read as follows:

Duties of
fire com-
missioners.

Section 2. The Board of Fire Commissioners of a fire protection district, and Board of Water Commissioners of a water district, shall exercise and be subject to the same powers and duties as the Board of Trustees of the Volunteer Firemen's Relief and Compensation Fund provided for municipalities of the State of Washington by chapter 121, Laws of 1935, as amended by chapter 49, Laws of 1939 (sections 9578-1 to 9578-11, both inclusive, Remington's Revised Statutes, Supplement; sections 4449a-41 to 4449a-51, both inclusive, Pierce's Code).

Passed the House February 7, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 11.

[H. B. 144.]

FOREST FIRE PROTECTION.

AN ACT relating to forests, fire protection therefor and amending section 1, chapter 96, Laws of 1937 (section 5788, Remington's Revised Statutes, also Pierce's Perpetual Code 575-25).

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

SECTION 1. That section 1, chapter 96, Laws of 1937 (section 5788, Remington's Revised Statutes, also Pierce's Perpetual Code 575-25) be amended to read as follows:

Amendment.

Section 1. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of February, and ending on the fifteenth day of October in each year, unless a different date for such beginning and ending is fixed by proclamation of the Governor without first obtaining permission in writing from the Supervisor of Forestry, or a warden, or a ranger, and afterwards complying with the terms of said permit; and anyone violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the Director of the Department of Conservation and Development shall prescribe, which shall be only such as the director deems necessary for the protection of life or property. The season between the fifteenth day of April and the fifteenth day of October of each year shall be designated as the closed season.

Permit to burn forest material.

Penalty for violation of act.

The Supervisor of Forestry, any of his assistants, any Warden or Ranger, may at his discretion, refuse,

Refusal or revocation of permit.

revoke or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

Passed the House February 9, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 12.

[H. B. 150.]

FOREST FIRE PROTECTION.

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, chapter 249, Laws of 1909, as amended by section 1, chapter 168, Laws of 1941 (section 2522, Remington's Revised Statutes, also Pierce's Perpetual Code 115-73).

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

Amend-
ments.

SECTION 1. That section 270, chapter 249, Laws of 1909, as amended by section 1, chapter 168, Laws of 1941, is hereby amended to read as follows:

Must get
perm. to
burn.

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 February 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.

Passed the House February 13, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 13.

[H. B. 155.]

REFORESTATION.

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; providing for retirement thereof and amending section 1, chapter 123, Laws of 1943 (section 5812-11, Remington's Revised Statutes, also Pierce's Perpetual Code 576-29).

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

SECTION 1. That section 1, chapter 123, Laws of 1943, be amended to read as follows: Amendments.

Section 1. For the purpose of acquiring, seeding, reforestation and administering land for forests and of carrying out the provisions of chapter 154 of the Laws of 1923, the State Forest Board is authorized to issue and dispose of utility bonds of the State of Washington in an amount not to exceed one hundred thousand dollars (\$100,000) in principal during the biennium expiring March 31, 1947: *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. Any utility bonds issued under the provision of section 1 of this act may be retired from time to time, whenever there is sufficient money in the forest development fund, said bonds to be retired at the discretion of the State Forest Board either in the order of issuance, or by first retiring the bonds with the highest rate of interest. Limits of payments.

Retirement.

Passed the House February 13, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 14.

[H. B. 251.]

APPROPRIATION—TEMPORARY PUBLICATION OF
SESSION LAWS.

AN ACT appropriating the sum of five thousand three hundred fifty dollars (\$5,350), or so much thereof as may be necessary for the temporary publication of Session Laws of the 29th Session of the Washington State Legislature; and declaring an emergency.

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

Temporary
Session Law
appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of five thousand three hundred fifty dollars (\$5,350), or so much thereof as may be necessary, for the printing and mailing of the temporary publication of the Session Laws of the 29th Session of the Washington State Legislature.

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 5, 1945.

Passed the Senate February 21, 1945.

Approved by the Governor February 28, 1945.

CHAPTER 15.

[S. B. 6.]

ESTABLISHMENT OF MEDICAL AND DENTAL SCHOOL.

AN ACT relating to higher education, establishing a medical and dental school and providing for the operation and maintenance of schools of medicine and dentistry at the University of Washington, declaring the purpose thereof, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. The Board of Regents of the University of Washington is hereby authorized and directed forthwith to establish, operate and maintain schools of medicine and dentistry at the University of Washington.

Medical-dental schools created.

SEC. 2. The aim and the purpose of the schools of medicine and dentistry shall be to provide for students of both sexes, on equal terms, all and every type of instruction in the various branches of the fields of medicine and dentistry, and to grant such degrees as are commonly granted by similar institutions.

Aim and purpose.

Degrees.

SEC. 3. The sum of four hundred fifty thousand dollars (\$450,000), or so much thereof as shall be found necessary, is hereby appropriated from the general fund of the State Treasury for the establishment, operation and maintenance of the schools of medicine and dentistry, and for the payment of salaries of all persons to be employed in the establishment, maintenance and operation of the said schools, for the fiscal biennium beginning April 1, 1945, and ending March 31, 1947.

Appropriation for maintenance and operation.

SEC. 4. There is hereby appropriated the sum of three million seven hundred fifty thousand dollars (\$3,750,000) from the general fund to be set aside in a fund to be known as the University of Washington Medical and Dental Building and Equipment

Appropriation for buildings.

Postwar.

Fund, which sum is to be used exclusively for the purposes of postwar building and for equipping structures in which to operate the medical and dental schools and a hospital to be used in conjunction therewith. The Board of Regents of the University of Washington is authorized and directed to construct said structures as soon as the necessary materials for the same can be obtained: *Provided*, That expenditures shall be made from the University of Washington Medical and Dental Building Fund only upon the approval of the Governor.

Effective immediately.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, the promotion of the public welfare, and for the support of the State Government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 6, 1945.

Passed the House February 22, 1945.

Approved by the Governor March 1, 1945.

CHAPTER 16.

[S. B. 10.]

RATIFYING AGREEMENT BETWEEN WASHINGTON TOLL
BRIDGE AUTHORITY AND PIERCE COUNTY.

AN Act ratifying and approving the acts of the Washington Toll Bridge Authority in respect to an agreement between the Washington Toll Bridge Authority and Pierce County in compromise settlement of an action pending in the Superior Court of Thurston County entitled "Pierce County, Plaintiff, v. Washington Toll Bridge Authority et al., Defendants," Cause Number 20234, wherein Pierce County seeks reimbursement of three hundred twenty-eight thousand dollars (\$328,000) advanced to the Washington Toll Bridge Authority for the construction of the Tacoma Narrows bridge.

PREAMBLE.

In 1938, Pierce County advanced to the Washington Toll Bridge Authority twenty-eight thousand dollars (\$28,000) for preliminary surveys necessary to the construction of the Tacoma Narrows bridge and conveyed to said authority the franchise rights of the Washington Navigation Company, which had been purchased by Pierce County for three hundred thousand dollars (\$300,000), the acquisition of which was a condition precedent to securing financial aid by the Washington Toll Bridge Authority from the Federal Public Works Administration. These contributions by Pierce County were advanced with the expectation that it would be reimbursed to the extent of three hundred twenty-eight thousand dollars (\$328,000) to be paid out of revenues from the tolls received from the operation of said bridge, said payment to be made after the retirement of the general obligation bonds and the other obligations incurred in the construction of said bridge had been paid. On November 7, 1940, the Tacoma Narrows bridge collapsed, terminating receipt of further revenues from the tolls of said bridge. In 1941, the Legislature of the State of Washington adopted Senate Joint Memorial Number 3, resolving to reconstruct the

Preamble.

Preamble.

Tacoma Narrows bridge. On December 4, 1942, Pierce County commenced an action against the Washington Toll Bridge Authority and the individual members of said authority in their representative capacities, seeking a judgment against the Washington Toll Bridge Authority for three hundred twenty-eight thousand dollars (\$328,000) advanced for the construction of said bridge. On the 20th day of December, 1944, Pierce County and the Washington Toll Bridge Authority entered into an agreement in compromise settlement of said law suit, wherein the authority agrees to construct a new bridge across the Tacoma Narrows as soon as materials and finances therefor become available to the authority and pay to Pierce County the sum of three hundred twenty-eight thousand dollars (\$328,000), without interest, out of the tolls and revenues to be derived from the operation of a new toll bridge across the Tacoma Narrows, said payment to be made after all bonds issued and all other obligations in any manner incurred in connection with the dismantling of the old bridge and the construction or reconstruction and opening of the new bridge are fully paid, and Pierce County agrees that it will dismiss with prejudice and without costs the said action now pending in the Superior Court of Thurston County. Said agreement further provides that it shall not be binding upon either body until ratified and approved by the Legislature and such ratification and approval become law.

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

Agreement
between
Pierce
County and
Toll
Authority
ratified.

SECTION 1. The agreement between Pierce County and the Washington Toll Bridge Authority, dated the 20th day of December, 1944, in compromise settlement of the suit entitled "Pierce County, Plaintiff, v. Washington Toll Bridge Authority et al., Defendants," now pending in the Superior Court of Thurston

County and bearing Cause Number 20234, be and it hereby is ratified and approved.

Passed the Senate February 7, 1945.

Passed the House February 21, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 17.

[S. B. 128.]

REVISION OF INSURANCE CODE.

AN ACT relating to the Insurance Code; providing for the revision thereof; and directing the State Insurance Commissioner to prepare the same.

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

SECTION 1. The State Insurance Commissioner is hereby directed to prepare and submit to the Legislature, at its regular session of 1947, a revision and recodification of the laws of the state relating to the regulation of insurance and the supervision thereof.

Insurance Code to be drafted.

Passed the Senate February 9, 1945.

Passed the House February 22, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 18.

[S. B. 106.]

APPROPRIATION FOR COMMITTEE ON JUVENILE DELINQUENCY.

AN ACT relating to an appropriation of funds for the purpose of carrying out the provisions of Senate Joint Resolution No. 4 of the 29th Session of the Legislature; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of any moneys in the General Fund, not otherwise ap-

Appropriation for committee on juvenile delinquency.

propriated, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary to be used in carrying out the work of the committee investigating juvenile delinquency, treatment, detention and rehabilitation under the provisions of Senate Joint Resolution No. 4.

The State Auditor shall issue warrants to pay such expense upon receipt of properly signed vouchers approved by the chairman and secretary of the committee appointed by the terms of such resolution.

Effective
immediately.

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

Passed the Senate February 16, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 19.

[H. B. 46.]

JUDGES RETIREMENT FUND.

AN ACT relating to the amount of retirement to be paid the Judges of the Supreme and Superior Courts; the source of revenue for such purposes; providing for the issuance of warrants; and amending sections 3 and 6, chapter 229, Laws of 1937 (sections 11054-3 and 11054-6, Remington's Revised Statutes, also Pierce's Perpetual Code 772-5, 772-11).

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

Amend-
ments.

SECTION 1. Section 3, chapter 229, Laws of 1937 (section 11054-3, Remington's Revised Statutes, also Pierce's Perpetual Code 772-5), is amended to read as follows:

Section 3. Every Judge of the Supreme or Superior Court of the State of Washington who shall have retired from office under the provisions of this act shall be entitled to receive monthly during the

period of his natural life, out of the fund hereinafter created, an amount equal to one half of the monthly salary he was receiving as a judge at the time of his retirement, or at the end of the term immediately prior to his retirement if his retirement is made after expiration of his term. The retirement pay herein provided for shall be paid monthly by the State Treasurer on or before the tenth day of each month.

Retirement pay.

Paid monthly.

SEC. 2. Section 6, chapter 229, Laws of 1937 (section 11054-6, Remington's Revised Statutes, also Pierce's Perpetual Code 772-11), is amended to read as follows:

Amendments.

Section 6. For the purpose of providing monies in said Judges' Retirement Fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the State Treasury and withdrawals from the general fund of the State Treasury shall be made as follows: 5% shall be deducted from the monthly salary of each Judge of the Supreme Court and 5% of the total salaries of each Judge of the Superior Court shall be deducted from that portion of the salary of such judges payable from the State Treasury; and a sum equal to 5% of the combined salaries of the Judges of the Supreme Court and the Judges of the Superior Court shall be withdrawn from the general fund of the State Treasury: *Provided*, That whenever there is insufficient money in said fund to meet the retirement payments herein provided for, the additional amount necessary to make said payments shall be withdrawn from the general fund of the State Treasury, and warrants therefor shall be issued by the State Auditor for the period ending December 31, 1950. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The State Auditor shall issue warrants payable to the Treasurer to accomplish the deductions and withdrawals

Withdrawals from General Fund.

Monthly
salary
warrants.

herein directed, and shall issue the monthly salary warrants of the judges for the amount of salary payable from the State Treasury after such deductions have been made. The Treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the Judges' Retirement Fund for disbursement as authorized in this act.

Passed the House January 29, 1945.

Passed the Senate February 22, 1945.

Approved by, the Governor March 2, 1945.

CHAPTER 20.

[H. B. 210.]

ADDITIONAL SUPERIOR COURT JUDGES.

AN ACT providing for additional judges in the Superior Courts of Clark County, Kitsap County, and for Adams, Benton and Franklin Counties, jointly; prescribing their appointment and election; and declaring an emergency.

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

Additional
judges.

SECTION 1. Hereafter there shall be two (2) judges of the Superior Court in Clark County, two (2) judges in Kitsap County, and two (2) judges for Adams, Benton and Franklin Counties, jointly.

Appointed
by Governor.

SEC. 2. The Governor shall, upon the taking effect of this act, appoint one additional judge for the Superior Court of Clark County, one additional judge for the Superior Court of Kitsap County, and one additional judge for the Superior Courts of Adams, Benton, and Franklin Counties, jointly, who shall hold their office from the time of their appointment until their successors are elected and qualified, which said successors shall be elected at the general election to be held in November, 1946, to serve until the second Monday in January, 1949: *Provided*, That the successors so elected shall not be entitled

Term.

to qualify until the second Monday in January, 1947; and, commencing with the second Monday in January, 1949, the succeeding terms of judges under this act shall be four (4) years.

SEC. 3. This act is necessary for the preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Effective immediately.

Passed the House February 13, 1945.

Passed the Senate February 25, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 21.

[H. B. 303.]

REORGANIZATION OF SCHOOL DISTRICTS.

AN ACT relating to the reorganization of school districts and amending section 10, chapter 248, Laws of 1941; and declaring an emergency.

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

SECTION 1. Section 10, chapter 248, Laws of 1941, is hereby amended to read as follows: Amendments.

Section 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, Duty of county superintendent.
Establish new districts.

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 of each district proposed to be reorganized 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 each district proposed to be reorganized in whole or in part into 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.

Special election.

Notice of election.

Contents.

Majority vote in each district necessary.

Effective immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

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

Passed the House February 20, 1945.

Passed the Senate February 28, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 22.

[H. B. 339.]

PILOTS AND PILOTAGE.

AN ACT relating to pilots and pilotage; providing for the issuance of temporary pilots' licenses during the present war emergency; providing for the termination of the act and declaring an emergency; and amending chapter 18, Laws of 1935, sections 9871-1 to 9871-16, both inclusive, Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 775-18) by adding a new section to be known as section 9a.

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

SECTION 1. Chapter 18, Laws of 1935 (sections 9871-1 to 9871-16, both inclusive, Remington's Revised Statutes, Supplement) is amended by adding thereto a new section to be known as section 9a, to read as follows:

Amendments.

Section 9a. The board is authorized and shall have power to appoint and license qualified persons to act as temporary pilots on Puget Sound and adjacent inland waters for one (1) year during the present war emergency under such rules and regulations as may be prescribed by the board. No temporary pilot so appointed and licensed shall have any right to serve as a duly licensed pilot on Puget Sound and adjacent inland waters after the termination of this act.

Temporary pilot's license.

Duration.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state govern-

Effective immediately.

Period of effectiveness.

ment and its existing public institutions and shall take effect immediately, and shall remain in full force for the duration of the existing war and for six months after the termination thereof by the signing of a definite treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased.

Passed the House February 17, 1945.

Passed the Senate February 26, 1945.

Approved by the Governor March 2, 1945.

CHAPTER 23.

[S. B. 49.]

OTOLOGIST—STATE DEPARTMENT OF HEALTH.

AN ACT providing for the employment of an otologist by the State Department of Health, and appropriating money therefor.

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

Otologist for school children to be employed.

SECTION 1. The State Director of Health shall appoint and employ an otologist skilled in diagnosis of diseases of the ear and defects in hearing, especially for school children with an impaired sense of hearing, and shall fix the salary of such otologist in a sum not exceeding the salary of the director.

Shall make recommendations to parents and physicians.

SEC. 2. The otologist shall cooperate with the State Department of Public Instruction, and with the state, county and city health officers, seeking for the children in the schools who are hard of hearing, or have an impaired sense of hearing, and making otological inspections and examinations of children referred to him by such departments and officers. Where necessary or proper he shall make recommendations to parents or guardians of such children, and urge them to submit such recommendations to physicians to be selected by such parents or guardians.

SEC. 3. The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated from the State General Fund for special equipment, supplies, traveling expenses, and the salary of such otologist. Appropriation.

Passed the Senate February 14, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 24.

[S. B. 127.]

COURT REPORTERS—COMPENSATION—JUDICIAL DISTRICTS.

AN ACT relating to official court reporters; fixing their compensation; providing methods whereby judicial districts having a population under twenty-five thousand may obtain official court reporters; and amending section 3, chapter 126, Laws of 1913, as amended by section 2, chapter 69, Laws of 1943 (section 42-3, Rem. Supp. 1943, also Pierce's Perpetual Code 108-1); and adding two new sections to be known as sections 3a and 3b.

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

SECTION 1. Section 3, chapter 126, Laws of 1913, as amended by section 2, chapter 69, Laws of 1943 (section 42-3, Rem. Supp. 1943, also Pierce's Perpetual Code 108-1), is amended to read as follows: Amendment.

Section 3. Each official reporter so appointed shall be paid a compensation as follows:

In judicial districts comprised of Class A or first class counties, four thousand dollars (\$4,000) per annum; in judicial districts having a total population of seventy thousand (70,000) and under one hundred twenty-five thousand (125,000), thirty-six hundred dollars (\$3,600) per annum; in judicial districts having a total population of forty thousand (40,000) and under seventy thousand (70,000), thirty-four hundred dollars (\$3,400) per annum; in Compensation fixed.

Judges to
apportion.

judicial districts having a total population of twenty-five thousand (25,000) and under forty thousand (40,000), three thousand dollars (\$3,000) per annum; which compensation shall be paid out of the general fund of the county where such court is held. In districts comprising more than one county it shall be the duty of the judge or judges in each such district on the first day of January of each year, or as soon thereafter as may be convenient, to apportion the amount of the salary to be paid to the reporter by each county in his district according and in proportion to the number of criminal and civil actions entered and commenced in Superior Court of such counties respectively in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expense of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be paid by the county to which he travels. If one trip includes two or more counties, the expenses may be apportioned between the counties visited in the same proportion as the amount of time spent in each county on that trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the County Auditor shall draw his warrant upon the Treasurer of the county in favor of the official reporter. The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Expenses for
travel.

SEC. 2. Chapter 69, Laws of 1943 (section 42-3, Rem. Supp. 1943), is amended by adding thereto a new section immediately following section 3 to be known as section 3a, to read as follows:

Amend-
ment.

Section 3a. If the judge of the Superior Court in any judicial district having a total population of less than twenty-five thousand (25,000) finds that the work in such district requires the services of an official court reporter, he may appoint a person who is qualified under section 1, chapter 69, Laws of 1943, and the salary of such reporter shall be not less than twenty-four hundred dollars (\$2,400) per annum.

Counties
under 25,000
population.

SEC. 3. Chapter 69, Laws of 1943 (section 42-3, Rem. Supp. 1943), is amended by adding thereto a new section immediately following section 3a to be known as section 3b, to read as follows:

Amend-
ment.

Section 3b. An official court reporter may be appointed to serve two or more judicial districts, each of which has a total population under twenty-five thousand (25,000), if the judges thereof so agree, and the salary of such official reporter shall be determined by the total population of all the judicial districts so served in accordance with the schedule of salaries shown in section 3 of this act, and shall be apportioned between the several counties of the districts as provided in section 3 of this act. Such reporter, if appointed, must be qualified to serve, under section 1, chapter 69, Laws of 1943.

Joint judicial
districts.

Passed the Senate February 9, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 25.

[S. B. 154.]

TRANSPORTATION OF INFLAMMABLE LIQUIDS.

AN ACT relating to the transportation of inflammable liquids, and amending section 60, chapter 189, Laws of 1937 (section 6360-60, Remington's Revised Statutes, also Pierce's Perpetual Code 287-5).

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

Amend-
ment.

SECTION 1. Section 60, chapter 189, Laws of 1937 (section 6360-60, Remington's Revised Statutes, also Pierce's Perpetual Code 287-5), is amended to read as follows:

Motor
vehicles
transporting
inflam-
mables, how
marked.

Section 60. Any motor vehicle used for the transportation of any inflammable liquids, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof in letters at least three (3) inches high on a background of sharply contrasting color, either: (a) With a sign or lettering on the motor vehicle with the word "INFLAMMABLE";

(b) With the common name of the inflammable liquid being transported; or

(c) With the name of the carrier or his trade mark, when and only when such name or mark plainly indicates the inflammable nature of the cargo: *Provided*, That this section shall not apply to any motor vehicle used occasionally for personal delivery by the owner thereof for private use.

Passed the Senate February 13, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 26.

[S. B. 135.]

LAKE WASHINGTON SHORELANDS.

AN Act relating to the use of certain Lake Washington shorelands by the City of Seattle for municipal park and/or playground purposes; confirming the use thereof in said city; and declaring an emergency.

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

SECTION 1. Notwithstanding the condition contained in the deed recorded in volume 1862 of Deeds, page 347, records of King County, Washington, executed pursuant to the provisions of section 1, chapter 157, Laws of 1939 (section 7993-1, Remington's Revised Statutes), whereby the use of the hereinafter described Lake Washington shorelands should revert to the State of Washington after the lapse of one (1) year of non-user by the grantee, the use of the following described property, to-wit: Lots One (1), Three (3), Four (4), Five (5), Nineteen (19), Twenty (20) and Twenty-one (21) of Block Twenty-four (24) and Lots One (1) to Six (6), inclusive, and the North Forty (40) feet of Lot Seven (7), Block Twenty-five (25) of the Replat of Blocks Twenty-four (24) and Twenty-five (25), Lake Washington shorelands, according to the plat thereof as recorded in the office of the Auditor of King County and the office of the Commissioner of Public Lands at Olympia, Washington, is hereby confirmed in the City of Seattle as long as it shall continue to hold, use and maintain such property for municipal park and/or playground purposes.

Transfer of property described for park or playground purposes.

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

Effective immediately.

Passed the Senate February 16, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 27.

[H. B. 259.]

MAINTENANCE OF APPROACHES TO HIGHER EDUCATIONAL INSTITUTIONS.

AN ACT relating to certain higher educational institutions; authorizing the acquisition of real estate rights and interests and the construction and maintenance of approaches, streets and highways to the University of Washington and the Washington State College; making appropriations, and declaring that this act shall take effect immediately.

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

Approach to Washington State College.

SECTION 1. The Director of Highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State College and extending in a northwesterly direction to a connection with Primary State Highway No. 3, near the north boundary of the City of Pullman.

Approach to University of Washington.

SEC. 2. The Director of Highways is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the City of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to said underpass.

Acquisition of right of way.

SEC. 3. The Director of Highways is hereby authorized and directed in the name of the State of Washington to acquire by purchase, gift or condemnation, any and all private real estate, rights and interests necessary to locate, construct and maintain the Washington State College highway and the University of Washington approach provided for herein.

SEC. 4. The use of the private real estate, rights and interests, selected by said director as necessary

for said approach, underpass and highway, is hereby declared to be a public use. Public use.

SEC. 5. In case of condemnation to secure any real estate, rights or interests, herein authorized, the court actions shall be brought in the name of the State of Washington in the respective counties in which the real estate is located, in the manner provided by law for acquiring property for public uses for the state, and in such actions the selection of the real estate, rights and interests by the Director of Highways is, in the absence of bad faith, arbitrary, capricious or fraudulent action conclusive upon the court and judge before which the action is brought that said real estate, rights and interests are necessary for public use for the purposes sought. Procedure.

SEC. 6. If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving. Measure of damages.

SEC. 7. The Director of Highways shall have power to sell at public or private sale any building, equipment or fixtures, acquired in the acquisition of said real estate for such price as he shall fix, and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state; Sale of buildings, fixtures.

and the proceeds of said sale shall be placed in the Motor Vehicle Fund of the State Treasury. The Director of Highways shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as he deems will lapse before construction of the approach, underpass and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

Temporary use.

Cooperation by City of Seattle.

SEC. 8. No action shall be taken by the Director of Highways for the acquisition of real estate, rights and interests for the approach and underpass to the University of Washington unless and until the City of Seattle, through its legislative authority shall enact an ordinance providing the City of Seattle will, within three (3) months after the necessary real estate, rights and interests have been secured by the state as herein provided, begin the work of grading, paving and such other work as is necessary to complete and render available for use of the public, said approach and underpass and approaches to said underpass, and further providing that the City of Seattle shall thereafter keep and maintain said approach and underpass and approach to said underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the City of Seattle is hereby authorized and empowered to do and perform.

Maintenance.

Appropriations.

SEC. 9. That there is hereby appropriated from the Motor Vehicle Fund of the State Treasury the sum of one hundred thirty thousand dollars (\$130,000) or so much thereof as may be necessary, for the purpose of acquiring the necessary real estate, rights and interests, including engineering costs, court costs for condemnation proceedings and payment of awards and judgments in condemnation

cases and for the construction and maintenance of the highway from Washington State College campus, as provided in section 1 hereof; and there is hereby appropriated from the Motor Vehicle Fund of the State Treasury the sum of three hundred and ninety-five thousand dollars (\$395,000), or so much thereof as may be necessary, for the purposes of acquiring the necessary real estate, rights and interests, including engineering costs, court costs for condemnation proceedings and payment of awards and judgments in condemnation cases in connection with the approach and underpass and approaches to said underpass for the University of Washington, as provided in section 2 hereof.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the House February 27, 1945.

Passed the Senate February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 28.

[H. B. 294.]

RELATING TO INSURANCE.

AN ACT relating to insurance and amending section 26, chapter 49, Laws of 1911, as last amended by section 1, chapter 10, Laws of 1939 (section 7071, Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 674-3), and declaring an emergency.

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

SECTION 1. Section 26, chapter 49, Laws of 1911, as last amended by section 1, chapter 10, Laws of 1939 (section 7071 of Remington's Revised Statutes, Amendments.

Supplement, also Pierce's Perpetual Code 674-3), is amended to read as follows:

Annual
statement.

Section 26. All insurance companies, now doing business in this state, unless otherwise provided in this act, must make and file with the Commissioner annually, on or before the fifteenth day of February in each year, a statement under oath, upon a form to be prescribed and furnished by the Commissioner, stating the amount of all premiums collected, or contracted for by the company making such statement, in this state, during the year ending December thirty-first, next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance reinsured in other companies authorized to do business in this state, naming them, and the amount of premiums paid therefor; and the amount of insurance reinsured in companies, naming them, not authorized to do business in this state, and the amount of premiums paid therefor; and the amount of reinsurance accepted from admitted companies and the premiums received for such reinsurance on risks located in this state, with the names of the companies so reinsured.

Payment of
tax to State
Treasurer.

The Commissioner shall file a copy of such verified statement or schedule with the State Treasurer, and said company shall pay to the State Treasurer, through the Insurance Commissioner's office, a tax of two per centum on all premiums collected, or contracted for: *Provided*, That in the case of companies engaged in fire insurance, or any other line of insurance, except life insurance, and marine insurance as hereinafter provided, the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts received as premiums for re-insurance; and in the case of life insurance the tax shall be collected on the

gross amount of premiums, after deducting therefrom the amounts received as premiums for re-insurance: *And provided further*, That with the exception of license fees, real estate and personal property taxes, and taxes under the reciprocal provisions of section 7092, every insurer organized, admitted or licensed to transact the business of marine insurance, as hereinafter defined, within this state, shall with respect to all marine insurance written within this state upon hulls, freights, or disbursements, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise and intercoastal, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for, and while awaiting shipment, and during any delays, storage, transshipment, or reshipment incident thereto, including war risks and marine builder's risks, be taxed only on that proportion of the total underwriting profit of such insurer from such insurance written within the United States, which the gross premiums of the insurer from such insurance written within this state bear to the gross premiums of such insurer from such insurance written within the United States. The term "underwriting profit" as used herein, shall be arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the calendar year (1) the losses incurred, and (2) expenses incurred, including all taxes, state and Federal, in connection with such net earned premiums.

Marine
insurance.

How taxed.

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

Net earned
premiums.

Gross
premiums.

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

Unearned
premiums.

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

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

Losses
incurred.

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

Specific
expenses.

Expenses incurred shall include:

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

General
expenses.

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

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

Deductible
expenses.

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

Report.

If the Insurance Commissioner finds the report of the insurer reporting correct, he shall, if the insurer has transacted such marine insurance for three years (1) ascertain the average annual underwriting profit, as defined by this section, derived by the insurer from such marine insurance business written within the United States during the last preceding three calendar years; (2) ascertain the proportion which the average annual premiums of the insurer from such marine insurance written by it in this state during the last preceding three calendar years bears to the average total of such marine premiums of the insurer during the same three years; (3) com-

Computation
of tax.

Computation
of tax.

pute an amount of five (5) per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance, and (4) charge the amount of tax thus computed to such insurer as a tax upon such marine insurance written by it in this state during the current calendar year. The Insurance Commissioner shall each year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such insurer from such marine insurance during the preceding three years, including the current calendar year, namely, at the expiration of each current calendar year, the profit or loss on such marine insurance business of that year is to be added or deducted, and the profit or loss upon such marine insurance business of the first calendar year of the preceding three year period is to be dropped so that the computation of underwriting profit for purposes of taxation under this section will always be on a three year average: *Provided, however,* That an insurer which has not been writing such marine insurance in this state for three years shall, until it has transacted such business in this state for that number of years, be taxed on the basis of its annual underwriting profit on such marine insurance written within the United States for the current calendar year, subject, however, to an adjustment in the tax as soon as the Insurance Commissioner, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three year basis: *And provided further,* That in the case of mutual companies, the Insurance Commissioner shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policy holders.

When the Insurance Commissioner has computed the tax on an insurer's underwriting profit, he shall

forthwith mail to the last known address of the principal office of such insurer a statement of the amount so charged against it, which amount the insurer shall pay to the State Treasurer through the Insurance Commissioner's office within thirty days after receipt of such notice from the Insurance Commissioner: *Provided, however,* That in assessing taxes upon the reciprocal provisions of section 7092, credit shall be allowed for any taxes paid or payable under this section. The tax, and the basis thereof, provided for in this section, shall apply to the year ending December thirty-first, nineteen hundred and twenty-nine, as well as to subsequent years: *And provided further,* That for the purpose of this section, the terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or reinsurance against any and all kinds of loss of or damage to:

Notice and
payment
of tax.

Reciprocal
provisions.

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

Marine
risks.

(b) Person or to property in connection with or appertaining to a marine, transit or transportation insurance, including liability for loss of or damage, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds); but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person; and

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

Taxes payable.

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

Penalty for delinquency.

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

Form of annual statement.

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

include such other information as may be required by the Commissioner.

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

Passed the House February 15, 1945.

Passed the Senate February 27, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 29.

[S. B. 5.]

INVESTMENT OF SCHOOL FUNDS IN UNITED STATES BONDS AND OTHER SECURITIES.

AN ACT authorizing school districts to invest and reinvest building funds in United States bonds and other securities; defining such securities and declaring an emergency.

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

SECTION 1. The Board of Directors of any school district of the State of Washington which now has, or hereafter shall have, funds in the building fund of the district in the office of the County Treasurer which in the judgment of said Board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds in United States securities, as hereinafter specified after and pursuant to a resolution adopted by the Board, authorizing and directing the County Treasurer, as ex officio the treasurer of said district, to invest or reinvest, said moneys or any designated amount thereof in United States securities and specifying the type or character of the United States securities in which said moneys shall be invested: *Provided*, That nothing herein authorized, or the type or character of the securities thus speci-

School districts may invest building funds in United States securities.

Shall not delay building program.

fied, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the County Treasurer to the credit and benefit of the building fund of the district in his said office. If in the judgment of the Board it shall be necessary to redeem or to sell any of the purchased securities before their ultimate maturity date, the Board may, by resolution, direct the County Treasurer to cause such redemption to be had at the "Redemption Value" of said securities or to sell said bonds and securities at not less than market value and accrued interest. The foregoing "securities" shall include United States Bonds, federal Treasury Notes and Treasury Bonds and United States Certificates of Indebtedness and other federal securities which may, during the life of this statute, come within the terms of this act.

Defining securities.

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 Senate January 30, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 30.

[S. B. 58.]

ELECTIONS—REGISTRATION.

AN ACT relating to voters' registration; extending the time for cancellation of registration for non-voting from two (2) to four (4) years and amending section 19, chapter 1, Laws of 1933.

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

SECTION 1. Section 19, chapter 1, Laws of 1933, Amendment.
is hereby amended to read as follows:

Section 19. It shall be the duty of each registrar, on the first day of April of each odd numbered year, or as soon thereafter as is practicable, to examine the registration files in his custody, and if, from such examination, he shall find that any registered voter has failed, for a period of four (4) years preceding April first of said odd numbered year to vote at at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "cancelled for failure to vote for four (4) years" and the date of such cancellation, and shall notify the voter whose registration has been cancelled, by mail, at his last registration address, of the fact that his registration has been cancelled, and that he will not be entitled to vote at any election until he shall have registered anew. No voter's registration shall be cancelled if his original registration was made less than four (4) years prior to the cancellation date. The Secretary of State shall be notified immediately of all such cancellations.

Passed the Senate February 7, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 31.

[S. B. 108.]

CREATING A VETERANS DEPARTMENT.

AN ACT relating to veterans; creating a Veterans Department; providing for its organization, powers, duties and responsibilities; prescribing the duties of certain officials; making an appropriation; and declaring an emergency.

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

Veterans Department.

Appointment of Director by Governor with Senate consent.

Salary.

Advisory council selected from veterans' organizations.

Vacancies.

SECTION 1. There shall be and is hereby created a Veterans Department. The chief executive officer thereof shall be an honorably discharged veteran of the armed forces of the United States and designated the Director of Veterans Affairs and shall be appointed by the Governor with the consent of the senate and shall hold office at the pleasure of the Governor. If the senate be not in session when this act takes effect or if a vacancy occur while the senate is not in session, the Governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his recommendation for the office. The salary of the Director shall be established at not to exceed seventy-five hundred dollars (\$7,500.00) per annum, and he shall be required to furnish a bond in such an amount as may be fixed by the council.

The Governor shall appoint an advisory council to consist of a representative from a list of three names submitted from each of the following organizations: The American Legion, the Disabled American Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars and any other nationally chartered veterans organizations as chartered by Congress. Any vacancy that shall exist on the advisory council shall be replaced by appointment by the Governor in the same manner and from the same organizations where the vacancies exist. Each member of the advisory council shall receive ten

dollars (\$10) per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the advisory council. It shall be the function and duty of such advisory council to aid the Director in formulating policies for the solution of problems relating to the administration of this act, and in furtherance of its duties, the Director shall, at least six times a year, convene a meeting of such advisory council.

Per diem expenses.

Duties.

Meetings.

SEC. 2. With the approval of the Governor, the department shall have the power to employ and to fix the compensation of and to prescribe the duties of such officers, employees and assistants as may be necessary, and to provide necessary quarters, supplies and equipment. Whenever possible all such officers, employees and assistants shall be veterans or dependents of veterans. It shall be the duty of the department to disburse the funds appropriated by this act and by any subsequent appropriation made for such purposes for the benefit of the former members of the armed forces of the United States who at the time of application are bona fide residents of the State of Washington and who served in the armed forces of the United States during time of war and who were discharged under conditions other than dishonorable, including their wives, husbands, widows, widowers and dependents. The department may disburse such funds in such manner and for such purposes as, in its judgment, will facilitate and promote the return of such veterans to civil life and coordinate and cooperate with the United States Employment Service, the Veterans' Administration and any other federal agency and adopt such measures as may be necessary to provide employment or rehabilitation. All benefits under this act shall be supplementary to and not cumulative of benefits available under any act of Congress,

Employees.

Shall be veterans.

Funds to be used for veterans, wives, dependents.

Purpose of use.

Benefits supplementary not cumulative to Federal Acts.

and nothing herein shall be in duplication of benefits granted by any other state.

Powers of department. Act as veterans' agent.

The department may:

(a) Act as agent of any veteran of the state having claims against the United States arising from or connected with service in the armed forces and prosecute such claims without charge.

Compile records to insure rights.

(b) Compile and maintain such records of veterans or their wives, husbands, widows, widowers and dependents as may be necessary to insure that their rights be protected.

Cooperate in administration.

(c) Cooperate in the administration of laws for veterans' benefits.

Cooperate with other agencies.

(d) Cooperate with all national, state, county, municipal, private and social agencies in securing to veterans or their wives, husbands, widows, widowers and dependents the benefits provided by national, state and county laws, municipal ordinances or private and social agencies.

Aid to secure veterans' benefits.

(e) Aid generally in securing to veterans or their wives, husbands, widows, widowers and dependents all rights, privileges, immunities, preferences, compensations and benefits of all kinds, or advise veterans or their wives, husbands, widows, widowers and dependents as to their rights under any of the said veterans' laws, in any manner arising from or connected with the service of such veteran in the armed forces of the United States.

Other powers.

(f) Have such other powers as may be authorized by law and necessary to carry out the provisions of this act.

Receive and expend gifts.

The department may receive gifts, donations and grants from any person or agency and may expend the same either according to the terms of the gift, donation or grant or in accordance with its best judgment.

Powers not limited.

The enumeration of specific powers and duties shall not be construed to exclude any other powers and duties. The department may, in its discretion,

have power to reimburse such bona fide veterans' organizations as, in the judgment of the department, may be properly qualified to prepare, present and prosecute claims for any veteran, wife, husband, widow, widower or dependent of such veteran for benefits provided by any act of Congress or otherwise: *Provided*, That no such reimbursement shall be made for any services, items of expense or capital investment except upon duly executed vouchers detailing specific services, items of expense, or capital investment made; *Provided further*, That no such reimbursement shall be made for any services so rendered prior to the effective date of this act. The department may appoint field representatives in such territories or places as may be deemed necessary by the department. The department shall maintain its principal office at the state capital. The department may establish and maintain branch offices at other places than the state capital for the conduct of one or more functions of the department.

Vouchers
must show
detail.

Department
offices.

SEC. 3. It shall be the duty of all state, county and municipal officers to render such aid to the department as shall be within their power and consistent with the duties of their respective offices.

Aid of
state-county
officers.

SEC. 4. There is hereby appropriated from the general fund of the State of Washington for the Veterans Department the sum of two million dollars (\$2,000,000), or so much thereof as may be necessary to carry out the purposes of this act.

Appropriation.

SEC. 5. If any section, paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the section, paragraph, sentence, clause or word of the act directly involved in the controversy in which such judgment shall have been rendered. It is hereby expressly declared that had any section, paragraph,

Partial
invalidity.

sentence, clause or word as to which this act is declared invalid been eliminated from the act at the time the same was considered the act would nevertheless have been enacted with such portions eliminated.

Effective
immediately.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 12, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 32.

[S. B. 114.]

ISSUANCE OF FUNDING BONDS BY SCHOOL DISTRICTS.

AN ACT relating to the issuance of funding bonds by any school district; and amending section 12, [sub] chapter 10, Title III, chapter 97, Laws of 1909 (section 4952, Remington's Revised Statutes, also Pierce's Perpetual Code 879-23).

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

Amend-
ment.

SECTION 1. Section 12, [sub] chapter 10, title III, chapter 97, Laws of 1909 (section 4952, Remington's Revised Statutes, also Pierce's Perpetual Code 879-23), is hereby amended to read as follows:

Methods of
issuance of
refunding
bonds by
school
districts.

Section 12. Whenever any bonds lawfully issued by any school district under the provisions of this act shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing coupon bonds conformable to the requirements of this act and sell the same at not less than their par value and use the proceeds exclusively for

the purpose of retiring and cancelling such outstanding bonds as aforesaid, or the said directors may in their discretion exchange such refunding bonds par for par for such outstanding bonds: *Provided*, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from the date of issue, and shall draw a rate of interest not to exceed six per centum per annum.

Denominations.

Interest.

Passed the Senate February 14, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 33.

[S. B. 131.]

TRESPASS OF SHEEP OR GOATS.

AN ACT relating to the trespass of sheep or goats on certain lands, and amending sections 1 and 2, chapter 53, Laws of 1907, as amended by sections 1 and 2, chapter 159, Laws of 1913 (sections 3100 and 3101, Remington's Revised Statutes, also Pierce's Perpetual Code 269-1, 269-3).

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

SECTION 1. Section 1, chapter 53, Laws of 1907, as amended by section 1, chapter 159, Laws of 1913 (section 3100, Remington's Revised Statutes, also Pierce's Perpetual Code 269-1), is amended to read as follows:

Amendment.

Section 1. It shall be unlawful in this state for sheep or goats to enter any land or lands, enclosed or unenclosed, belonging to or in the possession of any person other than the owner of such sheep or goats, unless by the consent of the owner of said land other than the public lands of the United States.

Trespass of sheep or goats.

. SEC. 2. Section 2, chapter 53, Laws of 1907, as amended by section 2, chapter 159, Laws of 1913

Amendment.

(section 3101, Remington's Revised Statutes, also Pierce's Perpetual Code 269-3), is amended to read as follows:

Penalty.

Section 2. Any person, being the owner or having in his possession, charge, or control, as herder, or otherwise, any sheep or goats, who shall herd or drive such sheep or goats upon the lands of another for the purpose of pasture, against the consent of the owner of such lands, shall be deemed guilty of a misdemeanor.

Passed the Senate February 9, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 34.

[S. B. 188.]

APPROPRIATION FOR ERADICATION OF BOVINE TUBERCULOSIS AND BANG'S DISEASE.

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; for the production or purchase of certain biologics for the control and eradication of certain animal diseases; 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, 1947; and declaring an emergency.

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

Bangs disease, bovine, para-tuberculosis, mastitis appropriation.

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, 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, 1947, incurred in the eradication of bovine tuberculosis, para-tuberculosis, Bang's disease and mastitis.

For bovine tuberculosis and para-tuberculosis indemnities	\$10,000.00
For Bang's disease indemnities.....	200,000.00
For the employment of veterinary inspectors, including salaries and operating expenses	150,000.00
For the production or purchase of biological products, including vaccines for Bang's disease and mastitis control and eradication	25,000.00

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 Senate February 13, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945.

CHAPTER 35.

[S. S. B. 183.]

UNEMPLOYMENT COMPENSATION.

AN ACT providing for relief from unemployment, a disability study, and declaring public policy; defining terms; establishing the office of Unemployment Compensation and Placement; providing for officers and their powers and duties; providing for contributions, funds, claims, the receipt of moneys, reciprocal arrangements, and cooperation with states and governments; accepting provisions of certain Federal enactments; declaring an emergency and fixing the effective date of this act; and repealing certain acts and parts of acts.

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

CHAPTER I. GENERAL PROVISIONS.

Citation.

SECTION 1. *Citation.* This act shall be known and may be cited as the "Unemployment Compensation Act."

Preamble.

SEC. 2. *Preamble.* Whereas, economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of relief assistance. The state of Washington, therefore, exercising herein its police and sovereign power endeavors by this act to remedy any widespread unemployment situation which may

occur and to set up safeguards to prevent its recurrence in the years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and that this act shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.

CHAPTER II. DEFINITIONS.

Definitions.

SEC. 3. *Base Year.* "Base year" means the last calendar year preceding the first day of the benefit year.

Base year.

SEC. 4. *Benefit Year.* "Benefit year" means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June and all unexpired individual benefit years as of June 30, 1945, shall be deemed to end with that date: *Provided, however,* That the weekly benefit amount and the maximum benefits payable with respect to each individual whose benefit year has been so terminated shall be redetermined by the Commissioner after July 1, 1945, for the new benefit year in a manner which shall be equitable to the individual and his employer or employers in accordance with the purposes and provisions of this act.

Benefit year.

Notice of the redetermination provided by this section shall be promptly delivered or mailed to the individual affected and all other interested parties at their last known addresses and appeal may be had from the redetermination in the same manner and to the same extent as provided by this act for appeals relating to determinations in respect to claims for benefits. If no such appeal is taken to

the appeal tribunal within ten days of the date of delivery or mailing of the redetermination, whichever is the earlier, said redetermination shall be deemed to be conclusive and final.

Benefits.

SEC. 5. *Benefits.* "Benefits" means the compensation payable to an individual, as provided in this act, with respect to his unemployment.

Calendar year.

SEC. 6. *Calendar Quarter.* "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31.

Comms-
sioner.

SEC. 7. *Commissioner.* "Commissioner" means the administrative head of the state Office of Unemployment Compensation and Placement referred to in this act.

Contribu-
tions.

SEC. 8. *Contributions.* "Contributions" means the money payments to the state Unemployment Compensation Fund required by this act.

Employer.

SEC. 9. *Employer.* "Employer" 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 of any of the foregoing, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this act.

Irrespective of any other inconsistent provisions of this act, any employing unit shall also be deemed to be an employer for the purposes of this act to the same extent that services performed for such employing unit constitute subject employment under the provisions of any Federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund.

SEC. 10. *Employing Unit.* "Employing unit" means any individual or any 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, having in employment, or subsequent to January 1, 1937, having had in employment, one or more individuals performing services 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 the purposes of this act.

Employing
unit.

SEC. 11. *Employment.* "Employment," subject only to the other provisions of this act, means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship, including service in interstate commerce, performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied.

Employ-
ment.

Personal services performed for an employing unit by one or more contractors or sub-contractors acting individually or as a partnership, which do not meet the provisions of section 15 of this act, shall be considered employment of the employing unit: *Provided, however,* That such contractor or sub-contractor shall be an employer under the provisions of this act in respect to personal services performed by individuals for such contractor or sub-contractor.

SEC. 12. *Situs of Services.* The term "employment" shall include an individual's entire service performed within or both within and without this state, if

Situs of
services.

- (a) the service is localized in this state; or
- (b) the service is not localized in any state, but some of the service is performed in this state, and
 - (1) 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
 - (2) 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.

Out-of-state
service.

SEC. 13. *Out-of-State Service, Election.* Services not covered under section 12 of this act, 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.

Election.

Localized
service.

SEC. 14. *Localized Service.* Service shall be deemed to be localized within a state, if

- (a) the service is performed entirely within the state; or
- (b) the service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

SEC. 15. *Exception Tests.* 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

Exception tests.

- (a) 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
- (b) such service is either outside the usual course of 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
- (c) such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service.

SEC. 16. *Agricultural Labor.* The term "employment" shall not include service performed

Agricultural labor.

- (a) 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 furbearing animals and wildlife, 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; or
- (b) 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 for consumption.

Domestic
service.

SEC. 17. *Domestic Service.* The term "employment" shall not include domestic service in a private home.

SEC. 18. The term "employment" shall not include service performed as an officer or member of any vessel primarily engaged in interstate or foreign trade requiring the vessel to navigate coastwise and on the high seas until the date and to the extent permission is given by the Congress of the United States. If and when such permission is granted the term "employment" shall include an individual's entire service as an officer or member of a crew of an American vessel wherever performed and whether in intrastate or interstate or foreign commerce, if the employer maintains within the state at the beginning of the pay period an operating office from which the employment of officers and members of the crew of such vessel is ordinarily and regularly supervised, managed, directed and controlled. In such event the term "employment" shall not include an individual's entire services performed as an officer or member of the crew of a vessel not an American vessel and services on or in connection with an American vessel under a contract of service which is not entered into within the United States and during the performance of which the vessel does not touch at a port of the United States: *Provided*, That irrespective of the foregoing provisions of this sec-

tion; the term "employment" shall apply to an individual's entire service performed as an officer or member of the crew of any vessel or other craft having its home port in Washington or operated by a Washington employing unit, and primarily engaged in navigation or otherwise primarily used on the navigable tide water or tide water connected harbors, sound, inlets, bays, lakes or rivers of the state, or on land-locked inland waters of the state, or on the strait of Juan de Fuca, or the connecting inland waters south of the fiftieth parallel of latitude in British Columbia, or on the Columbia river or tributary navigable rivers.

Maritime Service. "American Vessel," means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

Maritime
service.

SEC. 19. *Family Employment.* The term "employment" shall not include service performed by an individual in the employ of his son or daughter, or the community of which his son or daughter is a member, or his or her spouse, or by a child under the age of twenty-one in the employ of his father or mother.

Family
employment.

SEC. 20. *Eleemosynary Services.* The term "employment" shall not include 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.

Eleemo-
synary
services

Local
govern-
mental
services.

SEC. 21. *Local Governmental Services.* The term "employment" shall not include service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions: *Provided*, That this exemption shall not be deemed to apply to public utility districts and public power authorities, which districts and authorities are hereby authorized to pay to the Unemployment Compensation Division for the Unemployment Compensation Fund contributions required of employers by the provisions of this act.

Foreign
govern-
mental
services.

SEC. 22. *Foreign Governmental Services.* The term "employment" shall not include service performed in the employ of any other state or its political subdivisions, or of the United States government, or of any instrumentality of any other state or states or their political subdivisions, 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 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, as amended, for any year, then the payment required of such instrumentalities with respect to such year shall be deemed to be erroneously collected and shall be refunded by the Commissioner from the fund in accordance with the provisions of this act relating to adjustments and refunds of contributions or interest which have been paid.

SEC. 23. *Services Covered by Federal Act.* The term "employment" shall not include 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 days after publication thereof in the manner provided in this act for publication of 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.

Services covered by Federal act.

SEC. 24. *Services of Insurance Agents and Solicitors, Real Estate Brokers and Real Estate Salesmen.* The term "employment" shall not include service performed by an insurance agent or insurance solicitor or a real estate broker or a real estate salesman to the extent he is compensated by commission and service performed by an investment company agent or solicitor to the extent he is compensated by commission, the term "investment company," as used in this sub-section, to be construed as meaning an investment company as defined in the Act of Congress entitled "Investment Company Act of 1940."

Vetoed.

SEC. 25. *Newsboys' Services.* The term "employment" shall not include service as a newsboy selling or distributing newspapers on the street or from house to house.

Newsboys.

SEC. 26. *Services Regarding Mushrooms.* The term "employment" shall not include service in connection with the raising or harvesting of mushrooms.

Mushroom growers.

SEC. 27. *Specially Excepted Services.* The term "employment" shall not include service performed

Excepted
services.

in any calendar quarter in the employ of any of the following organizations, if (1) the remuneration for such services does not exceed forty-five dollars; or (2) such service is in connection with the collection of dues or premiums for a fraternal benefit society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association; or (3) such service is performed by a student who is enrolled and who is regularly attending classes at a school, college or university:

- (a) labor organizations;
- (b) mutual savings banks not having a capital stock represented by shares;
- (c) fraternal beneficiary societies, orders, or associations,
 - (1) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and
 - (2) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;
- (d) domestic saving and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;
- (e) cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures

to the benefit of any private shareholder or individual;

- (f) business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;
- (g) civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to individuals in the employment of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes; Excepted services.
- (h) clubs organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;
- (i) benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;
- (j) farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including inter-insurers and reciprocal underwriters) the income of which is used or held for the purpose of paying losses or expenses;
- (k) farmers', fruit growers', or like associations organized and operated on a cooperative basis, (1) for the purpose of marketing the products of members or other producers,

and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them; or (2) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation or eight per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose. Such an association may market the products of non-members in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for non-members in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, providing the value of the purchases made for persons who are neither members nor producers does not

Excepted
services.

exceed fifteen per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph;

- (l) corporations organized by an association exempt under the provisions of paragraph (k) or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed not to exceed the legal rate of interest in the state of incorporation or eight per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, upon dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose;
- (m) corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this act;
- (n) corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such

Excepted
services.

act, as amended and supplemented, such corporations are exempt from Federal income taxes;

- (o) teachers' retirement fund associations of a purely local character, if (1) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual; and (2) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments;
- (p) religious or apostolic associations or corporations, if such associations or corporations have a common treasury or community treasury, even if such association or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the net income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

Excepted services.

Casual labor.

SEC. 28. *Casual Labor.* The term "employment" shall not include 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.

Pay period.

SEC. 29. *"Pay Period" Determination.* If the services performed during one-half or more of any pay period by an individual for an employing unit constitute employment, all of the services of such indi-

vidual 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 employing unit do not constitute employment, then none of the services of such individual on behalf of such employing unit 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 an individual by the employing unit.

SEC. 30. *Employment Office.* "Employment Office" means a free public employment office, or branch thereof, operated by this or any other state as a part of a state-controlled system of public employment offices, or by a Federal agency or any agency of a foreign government charged with the administration of an unemployment compensation program or free public employment offices. All claims for unemployment compensation benefits, registrations for employment, and all job or placement referrals received or made by any of the employment offices as above defined and pursuant to regulation of the Commissioner subsequent to December 31, 1941, are hereby declared in all respects to be valid. The Commissioner is authorized to make such investigation, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of the act as he deems necessary or appropriate to facilitate the administration of any state or Federal unemployment compensation or public employment service law and in like manner to accept and utilize information, services and facilities made available to the state by the agency charged with the administration of any such unemployment compensation or public employment service law. Any such action taken by the

Employment
office.

Commissioner subsequent to December 31, 1941, is hereby declared to be in all respects valid.

State.

SEC. 31. *State.* "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

Unemployed individual.

SEC. 32. *Unemployed Individual.* An individual shall be deemed to be "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 in the procedures as to such types of unemployment as the Commissioner deems necessary.

Wages.

SEC. 33. *Wages.* "Wages" means the first three thousand dollars of remuneration paid by one employer to an individual in its employment for services performed during one calendar year.

Remuneration.

"Remuneration" means all compensation paid for personal services, including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the Commissioner.

Wage credits.

"Wage credits" applicable to eligibility for benefits means the same as "wages."

Retirement and disability payments.

SEC. 34. *Retirement and Disability Payments Excepted.* The term "wages" shall not include the amount of any payment by an employing unit with respect to services performed after July 1, 1941, for 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 retirement, sickness or accident disability, or medical and hospitalization expenses in connection with sickness or accident disability.

SEC. 35. *Death Benefits Excepted.* The term "wages" shall not include the amount of any payment by an employing unit with respect to services performed after July 1, 1941, for 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 death, provided the individual in its employ

Death
benefits
excepted.

- (a) has not the option to receive instead of provisions 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
- (b) has not the right under the provision 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.

SEC. 36. *Excepted Payments.* The term "wages" shall not include the payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in employment under section 1400 of

Excepted
payments.

the Federal Internal Revenue Code, as amended, or dismissal payments which the employing unit is not legally required to make, or any amount paid to a person in the military service for any pay period during which he performs no service for the employer, or disability compensation contributions.

Week.

SEC. 37. *Week.* "Week" means any period of seven consecutive calendar days ending at midnight as the Commissioner may by regulation prescribe.

CHAPTER III. ESTABLISHMENT OF OFFICE.

Office established.

SEC. 38. *Office Established.* There is hereby established the Office of Unemployment Compensation and Placement for the State of Washington, to be administered by a Commissioner of Unemployment Compensation and Placement. The Commissioner shall be appointed by the Governor with the consent of the senate, and shall hold office at the pleasure of, and receive such compensation for his services as may be fixed by, the Governor.

Divisions established.

SEC. 39. *Divisions Established.* There are hereby established in the Office of Unemployment Compensation and Placement two coordinate divisions to be known as the Unemployment Compensation Division, and the Washington State Employment Service Division, each of which shall be administered by a full-time salaried supervisor who shall be an assistant to the Commissioner and shall be appointed by him. Each division shall be responsible to the Commissioner for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except in so far as the Commissioner may find that such separation is impracticable. The Commissioner is authorized to appoint and fix the compensation of such officers, accountants, experts and other personnel as may be necessary to carry out the provisions of this act: *Provided, That such appoint-*

ment shall be made on a non-partisan merit basis in accordance with the provisions of this act relating to the selection of personnel.

It is hereby further provided that the Governor in his discretion may delegate any or all of the organization, administration and functions of the said Washington State Employment Service Division to any Federal agency.

CHAPTER IV. ORGANIZATION AND ADMINISTRATION.

SEC. 40. *Commissioner's Duties and Powers.* It shall be the duty of the Commissioner to administer this act. 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 this act, and shall have an official seal which shall be judicially noticed. Not later than the 1st day of February of each year, he shall submit to the Governor a report covering the administration and operation of this act during the preceding calendar year and shall make such recommendations for amendments to this act as he deems proper. Such report shall include a balance sheet of the 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.

Commissioner's powers and duties.

Whenever the Commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the Governor and legislature and make recommendations with respect thereto.

Personnel.

SEC. 41. *Personnel Appointed by Commissioner.* The Commissioner is authorized to appoint, fix the compensation of, and prescribe the duties of the staff of each of said divisions. The Commissioner may delegate to any person appointed such power and authority 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.

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.

Personnel board.

SEC. 42. *Personnel Board and Commissioner's Regulations.* 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 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 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

Commissioner's regulations.

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.

SEC. 43. *Rules and Regulations.* 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.

Rules and regulations.

SEC. 44. *Reciprocal Benefit Arrangements.* As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia and any foreign government and, where applicable, shall also be deemed to include the Federal government or provisions of a law of the Federal government, as the case may be.

Reciprocal benefits.

As used in this section the term "claim" shall be deemed to include whichever of the following terms

is applicable, to wit: "application for initial determination," "claim for waiting period credit," or "claim for benefits."

Claim
defined,

The Commissioner may enter into agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of the law of the designated paying state (including another state) and whereby the wages of such individual, if earned in two or more states (including another state) may be combined, and further, whereby this state or another state shall reimburse the paying state in an amount which shall bear the same ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state, and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Reciprocal
arrange-
ments.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by the provisions of this section, the Unemployment Compensation Division of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state. A copy of such report shall be sent to the individual's most recent employing unit as stated by the individual, if such employing unit is in this state. Re-examination of such report

shall promptly be made upon receipt of a request therefor made by the individual or employing unit entitled to such report and a determination thereon be issued. No wages earned in this state shall be used as a basis for paying benefits pursuant to an application for initial determination, in respect to which any disqualification under the provisions of this act shall apply. Such wages, however, may be used for paying any claim for weeks subsequent to the termination of any such disqualification. Appeal from any determination by the Unemployment Compensation Division of this state may be had pursuant to the provisions of this act dealing with appeals relating to benefits.

Reciprocal
arrange-
ments.

Experience rating investigation, study, and report provided by this act shall not include any charge against or reflection in the record of any employer in this state by reason of payment, or reimbursement on any payment, of any part of any claim governed by the provisions of this section unless the only wages against which such claim is filed were earned in this state.

The Commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the Unemployment Compensation Fund in accordance with arrangements made pursuant to the provisions of this section.

SEC. 45. *Reciprocal Coverage Arrangements.* The Commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states, foreign governments or the Federal government 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 (a) in which any part of such individual's service is performed, or (b) in which such individual has his residence, or (c) in which the employing unit maintains a place of business: Pro-

Reciprocal
coverage
arrange-
ments.

vided, That there is in effect, as to such services, an election by the employing unit with the acquiescence of such individual, 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.

Employing
unit
records.

SEC. 46. *Employing Unit Records.* 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 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 paid for employment to workers in its employ, the names of all such workers and such other information as the Commissioner may by regulation prescribe.

Arbitrary
reports.

SEC. 47. *Arbitrary Reports.* 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 to be *prima facie* correct.

Interstate
use.

SEC. 48. *Interstate Use of Employing Unit Records.* 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 un-

employment compensation agencies in ascertaining information necessary to administer the unemployment compensation acts of such other states.

SEC. 49. *Compulsory Production of Records and Information.* In case of contumacy 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, shall have jurisdiction to issue to such person an order requiring such person to appear before such authorized representative, there to produce evidence, if so ordered, or there to give testimony touching the matter under investigation, or in question. Failure to obey such order of the court may be punished by said court as a contempt thereof.

Production
of records.

SEC. 50. *Information from Employing Unit Records Confidential.* Information obtained from employing unit records under the provisions of this act 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 interested party at a hearing before the appeal tribunal or the Commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question.

Information
confidential.

SEC. 51. *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

Self in-
crimination.

duly authorized representative of the Commissioner or any appeal tribunal in obedience to the subpoena of such representative of the Commissioner or 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.

Oaths and
witnesses.

SEC. 52. *Oaths and Witnesses.* In the discharge of the duties imposed by this act, the 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 to be necessary as evidence in connection with any dispute or the administration of this act. It shall be unlawful for any person, without just cause, to fail to comply with subpoenas issued pursuant to the provisions of this section.

Destruction
of records.

SEC. 53. *Destruction of Office Records.* 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 by 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 origi-

nated by 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.

SEC. 54. *Representation by Attorney General.* The Attorney General shall be the general counsel of each and all divisions and departments under this act and it shall be his duty to institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of each, every, and all of the provisions of this act, and it shall be the duty of the Attorney General to assign such assistants and attorneys as may be necessary to the exclusive duty of assisting each, every, and all divisions and departments created under this act in the enforcement of this act. The salaries of such assistants shall be paid out of the Unemployment Compensation Administration Fund, together with their expenses fixed by the Attorney General and allowed by the treasurer of the Unemployment Compensation Administration Fund when approved upon vouchers by the Attorney General.

Attorney
general.

SEC. 55. *Publication of Act, Rules and Regulations, Reports, Etc.* 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 act—rules.

SEC. 56. *Services and Fees of Sheriffs.* The Sheriff of any county, upon request of the Commissioner or his duly authorized representative, or upon request of the Attorney General, shall, for and on behalf of the Commissioner, perform the functions of service, distraint, seizure, and sale, authority for

Sheriffs'
fees.

which is granted to the Commissioner or his duly authorized representative. No bond shall be required by the Sheriff of any county for services rendered for the Commissioner, his duly authorized representative, or the Attorney General. The Sheriff shall be allowed such fees as may be prescribed for like or similar official services.

State
Federal
cooperation.

SEC. 57. *State-Federal Cooperation.* The Commissioner, through the Washington State Employment Service Division, shall establish and maintain free public employment offices in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C. Title 29, Sec. 49(c), as amended).

In the administration of this act the Commissioner shall cooperate to the fullest extent consistent with the provisions of this act, 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 there shall be observance of and compliance with the requirements thereof. 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, and make available to said Board the state's records relating to the administration of this act, and furnish such copies thereof, at the expense of the Board, as it may deem necessary for its purposes.

The Commissioner shall comply with such provisions as the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended, may from time to time require, regarding reports and the correctness and verification thereof, and shall comply with the regulations of 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 the administration of this act. The Commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

State
Federal
cooperation.

The Commissioner is also authorized to apply for an advance to the state unemployment fund and to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the Social Security Act, as amended, in order to secure to this state and its citizens the advantages available under the provisions of such title.

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.

SEC. 58. *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 re-employment of

Employment
stabilization.

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.

State
advisory
council.

SEC. 59. *State Advisory Council.* 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 industry or other special councils to perform appropriate services.

CHAPTER V. FUNDS.

Funds.

SEC. 60. *Maintenance of Unemployment Compensation Fund.* There shall be maintained 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, as amended, shall not be applicable. This fund shall consist of

- (a) all contributions and interest collected pursuant to the provisions of this act,

- (b) all fines and penalties collected pursuant to the provisions of this act,
- (c) interest earned upon any moneys in the fund,
- (d) any property or securities acquired through the use of moneys belonging to the fund,
- (e) all earnings of such property or securities,
- (f) any moneys received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act, as amended, and
- (g) all moneys received for the fund from any other source.

Maintenance
of Unemploy-
ment Com-
pensation
Fund.

All moneys in the fund shall be commingled and undivided. All moneys received for the Unemployment Compensation Fund prior to the effective date of this act shall be a part of this fund.

SEC. 61. *Administration of Unemployment Compensation Fund.* The Commissioner shall designate a treasurer and custodian of the Unemployment Compensation 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 as follows:

Administra-
tion of Un-
employment
Compensa-
tion Fund.

- (a) a clearing account,
- (b) an unemployment trust fund account, and
- (c) a benefit 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 the provisions 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. All moneys received for the Unemployment Compensation Fund prior to the effective date of this act are subject to the provisions of this section.

Administra-
tion of Un-
employment
Compensa-
tion Fund.

SEC. 62. *Withdrawals From Federal Unemployment Trust Fund.* Moneys shall be requisitioned from this state's account in the Unemployment Trust Fund solely for the payment of benefits and repay-

ment of loans from the Federal government to guarantee solvency of the Unemployment Compensation Fund 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 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, as amended, 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.

Withdrawals
from
Federal Un-
employment
Trust Fund.

SEC. 63. *Management of Funds Upon Discontinuance of Federal Unemployment Trust Fund.* The provisions of this act, 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.

Management
of funds.

SEC. 64. *Unemployment Compensation Administration Fund.* There is hereby established 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 said fund pursuant to section 302 of the Social Security Act, as amended, 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 Unemployment Compensation Administration 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, as amended, 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.

Unemployment
Compensation
Administration
Fund.

SEC. 65. *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 the provisions 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 account. In addition, there shall be paid into such account moneys received pursuant to the Act of Congress entitled, "An Act to provide for the establishment of a national

Employment
service
account.

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, section 49(c), as amended).

Employment
service
financing.

SEC. 66. *Employment Service Financing.* All moneys received by this state under 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, section 49 (c), 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 subdivisions 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."

Replacement
of Federal
funds.

SEC. 67. *Replacement of Federal Funds.* 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, as amended, 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.

CHAPTER VI. BENEFITS AND CLAIMS.

Benefits and
claims.

SEC. 68. *Benefit Eligibility Conditions.* An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the Commissioner finds that

Benefit
eligibility
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 subdivision 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;
- (b) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this act;
- (c) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. 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;
- (d) he has been unemployed for a waiting period of one week; and
- (e) he has within the base year been paid wages of not less than three hundred dollars.

SEC. 69. *Waiting Period Credit Limitation.* No week shall be counted as a waiting period week,

Waiting
period
limitation.

- (a) if benefits have been paid with respect thereto, and

- (b) unless the individual was otherwise eligible for benefits with respect thereto, and
- (c) unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, and
- (d) in the case of a seasonal worker, unless it falls within the season established pursuant to the provisions of this act.

Pregnancy limitation.

SEC. 70. *Pregnancy Limitation.* A woman who quits or is required to terminate employment because of pregnancy shall be presumed not to be able or available for work during such period in respect to said pregnancy as is provided by such regulation as the Commissioner may prescribe.

This presumption may be overcome only by such evidence as complies with such regulation as the Commissioner may prescribe.

Student provision.

SEC. 71. *Student Provision.* The word "available" as used in this act 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 of prepaid tuition, and which he may at any time thereafter optionally resume at the previously discontinued stage.

Seasonal worker.

SEC. 72. *Seasonal Worker Provision.* No seasonal worker shall receive waiting period credit or benefits for any period outside of the season established for him pursuant to the provisions of this act relating to seasonal employment, nor for any period during such season, unless he meets all eligibility requirements and is free from all disqualification provisions for receipt of benefits as provided in this act.

Disqualification for quitting.

SEC. 73. *Disqualification for Voluntary Quit.* An individual shall be disqualified for benefits 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 more than four weeks as the Commissioner shall determine.

SEC. 74. *Disqualification for Unemployment Due to Misconduct.* An individual shall be disqualified for benefits 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 more than the four weeks which immediately follow such week as determined by the Commissioner in each case according to the seriousness of the misconduct. Disqualification for misconduct.

SEC. 75. *Disqualification for Misrepresentation.* An individual shall be disqualified for benefits for the calendar week in which he has willfully made a false statement or representation or willfully 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. Misrepresentation.

SEC. 76. *Disqualification for Refusal to Work.* An individual shall be disqualified for benefits, 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 more than the four weeks which immediately follow such week as determined by the Commissioner according to the circumstances in each case. Refusal to work.

SEC. 77. *Labor Dispute Disqualification.* An individual shall be disqualified for benefits for any week with respect to which the Commissioner finds that his unemployment is due to a stoppage of work Labor dispute.

Labor
disputes.

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 section shall not apply if it is shown to the satisfaction of the Commissioner that

- (a) he is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and
- (b) 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 subdivision, be deemed to be a separate factory, establishment, or other premises.

Suitable
work factors.

SEC. 78. *Suitable Work Factors.* In determining whether or not any such work is suitable for an individual or whether or not an individual has left work voluntarily without good cause, 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, the distance of the available work from his residence, and such other factors as the Commissioner may deem pertinent, including state and national emergencies.

SEC. 79. *Suitable Work Exceptions.* Notwithstanding any other provisions of this act, no work

shall be deemed to be suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; Suitable work exceptions.
or
- (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; or
- (c) if as a condition of being employed the individual would be required by the employing unit to join a company union or to resign from or refrain from joining any bona fide labor organization.

SEC. 80. *Amount of Benefits.* Subject to the other provisions of this act benefits shall be payable to any eligible individual during the benefit year in accordance with the weekly benefit amount and the maximum benefits potentially payable shown in the following schedule for such base year wages shown in the schedule as are applicable to such individual: Amount of benefits.

Benefit schedules.	Base Year Wages	Weekly Benefit Amount	Maximum Benefits Potentially Payable
	\$000- 299.99	\$00	\$000
	300- 399.99	10	120
	400- 499.99	10	130
	500- 599.99	10	140
	600- 699.99	10	150
	700- 799.99	10	160
	800- 899.99	11	187
	900- 999.99	12	216
	1000-1099.99	13	247
	1100-1199.99	14	280
	1200-1299.99	15	315
	1300-1399.99	16	352
	1400-1499.99	17	391
	1500-1599.99	18	432
	1600-1699.99	19	456
	1700-1799.99	20	500
	1800-1899.99	21	525
	1900-1999.99	22	572
	2000-2099.99	23	598
	2100-2199.99	24	624
	2200 and over.....	25	650

Deductions from weekly benefit.

SEC. 81. Deduction From Weekly Benefit Amount.

If an eligible individual is available for work for less than a full week, he shall be paid his weekly benefit amount reduced by one-sixth of such amount for each day that he is unavailable for work: *Provided*, That if he is unavailable for work for three days or more of a week, he shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such 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 five dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

SEC. 82. Filing Applications and Claims. An application for initial determination, a claim for waiting period, or a claim for benefits shall be filed in accordance with such regulations as the Commis-

sioner may prescribe. An application for an initial determination may be made by any individual whether unemployed or not. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his employment 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.

Applications
and claims.

The term "application for initial determination" shall mean a request in writing for an initial determination. The term "claim for waiting period" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for waiting period have been met. The term "claim for benefits" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for receipt of benefits have been met.

SEC. 83. *Initial Determination and Notices.* A representative designated by the Commissioner shall take the application for initial determination and the claim for waiting period credit or for benefits. When an application for initial determination has been made, the Unemployment Compensation Division shall promptly make an initial determination thereon which shall be a statement of the applicant's base year wages, his weekly benefit amount, his maximum amount of benefits potentially payable and his benefit year. Such determination shall fix the general conditions under which waiting period credit shall be granted and under which benefits shall be paid during any period of unemployment occurring within the benefit year fixed by such determination. The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the

Initial deter-
mination
and notices.

Commissioner by regulation prescribes, shall be notified promptly by the delivery or mailing of written notice of the initial determination.

Redeter-
mination.

SEC. 84. *Redetermination.* The Commissioner may reconsider an initial determination or a determination of denial of benefits whenever he finds that there has been an error in identity, computation, or statement of amount of wages earned, or an error or omission with respect to the facts, or in order to comply with a final court decision applicable to an initial determination or determination of denial of benefits. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial of benefits and any new interested party or parties who, pursuant to such regulation as the Commissioner may prescribe, would be an interested party. No such redetermination shall be so construed, however, as to permit the recovery of any benefits except in accordance with the provisions of this act relating to recovery of benefit payments.

Payment of
benefits.

SEC. 85. *Payment of Benefits.* An individual who has received an initial determination finding that he is potentially entitled to receive waiting period credit or benefits shall, during the benefit year, be given waiting period credit or be paid benefits in accordance with such initial determination for any week with respect to which the conditions of eligibility for such credit or benefits, as prescribed by this act, are met, unless the individual is denied waiting period credit or benefits under the disqualification provisions of this act.

All benefits shall be paid through employment offices in accordance with such regulations as the Commissioner may prescribe.

SEC. 86. *Denial of Benefits.* If waiting period credit or the payment of benefits shall be denied to

any individual for any week within the benefit year, the claimant shall be promptly notified by mail or delivery of written notice of the denial and the reasons therefor. Notice that benefits are denied shall suffice for the particular weeks stated in the notice or until the condition upon which the denial was based has been removed.

Denial of
benefits.

SEC. 87. *Recovery of Benefit Payments.* Any individual who has received any sum as benefits from the Unemployment Compensation Fund, when not entitled thereto under the provisions of this act, shall be liable to the fund for the sum improperly paid to him.

Recovery of
benefits.

As soon as the Commissioner has knowledge of payment of benefits to an individual under the circumstances mentioned in this section, he shall promptly prepare and deliver or mail to the individual at his last known address a notice of determination of liability declaring that the individual has been determined liable to refund the amount of benefits paid under the circumstances mentioned in this section. Such amount, if not previously collected, shall be deducted from any future benefits payable to the individual and the notice of determination required by this section shall so advise.

Appeal from the determination of liability herein provided may be had in the same manner and to the same extent as provided by this act for appeals relating to determinations in respect to claims for benefits. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final.

SEC. 88. *Nonliability of State.* Benefits shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent

Nonliability
of state.

that moneys are available therefor to the credit of the Unemployment Compensation Fund, and neither the state nor the Commissioner shall be liable for any amount in excess of such sums.

CHAPTER VII. CONTRIBUTIONS BY EMPLOYERS.

Payment of
contributions

SEC. 89. *Payment of Contributions.* On and after January 1, 1938, to and including December 31, 1945, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act at the rate of two and seven-tenths per centum of wages payable for employment occurring during each calendar year.

On and after January 1, 1946, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act at the rate of two and seven-tenths per centum of wages paid for employment occurring during each calendar year.

Contributions shall become due and be paid by each employer to the Treasurer for the Unemployment Compensation Fund in accordance with such regulations as the Commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

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 one cent.

SEC. 90. *Authority to Compromise.* The Commissioner may compromise any claim for contributions, interest, or penalties existing or arising under this act in any case where collection of the full claim would result in the insolvency of the employing unit or individual from whom such contributions, interest, or penalties are claimed.

Whenever a compromise is made by the Commissioner in any case, there shall be placed on file in the office of the Unemployment Compensation Division a statement of the amount of contributions, interest and penalties imposed by law and claimed due, a complete record of the compromise agreement and the amount actually paid in accordance with the terms of the compromise agreement.

Authority to compromise.

If any such compromise is accepted by the Commissioner, within such time as may be stated in the compromise or agreed to, such compromise shall be final and conclusive and except upon showing of fraud or malfeasance or misrepresentation of a material fact the case shall not be reopened as to the matters agreed upon. In any suit, action, or proceeding, such agreement or any determination, collection, payment, adjustment, refund, or credit made in accordance therewith shall not be annulled, modified, set aside, or disregarded.

SEC. 91. *Contributions Erroneously Paid to Another State.* 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 paid to this state at the date of payment to such other state.

Erroneous payments.

SEC. 92. *Interest on Delinquent Contributions.* If contributions are not paid on the date on 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 one per centum per month from and after such date until payment plus accrued interest is received by him. In computing interest for any period less than a full month, the rate shall be one-thirtieth of one per centum for each day or fraction thereof. Interest shall not accrue in excess of twenty-four per centum for delin-

Interest.

Interest.

quent contributions for any one contributions period. 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 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. Where adequate information has been furnished the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, interest may be waived.

Lien for contributions.

SEC. 93. *Lien for Contributions Generally.* The claim of the Unemployment Compensation Division for any contributions, including interest thereon, not paid when due, shall be a lien prior to all other liens, except taxes, not only against the interest of any employer, but against the interest of all others, in the plant, works, equipment, and buildings, improved, operated or constructed by such employer, and also upon any products or articles manufactured by such employer. 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 tax liens. In order to avail itself of the lien hereby created, the Unemployment Compensation Division shall file with the County Auditor of the county in which such prop-

erty shall then be situated a statement in writing describing in general terms the specific property upon which a lien is claimed and stating the amount of the lien claimed by the division. Any such lien claimed against the interests of others than the employers shall be filed within four months after the employer shall have made report of his payroll and shall have defaulted in the payment of his contributions thereon. This lien shall be separate and apart from, and in addition to, any other lien or claim created by, or provided for in, this act. When any such 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 when such assurance of payment shall be made as the Commissioner may deem to be adequate. Any lien filed as provided in this section may also be filed in the office of the Secretary of State. Filing in the office of the Secretary of State shall be of no effect, however, until the lien or copy thereof shall have been filed with the County Auditor in the county where the property is located. When a lien is filed in compliance herewith and with the Secretary of State, such filing shall have the same effect as if the lien had been duly filed for record in the office of the Auditor in each county of this state.

Lien for contributions.

SEC. 94. *Lien in Event of Insolvency or Dissolution.* 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, other liens provided by this act, and claims for remuneration for services of not

Lien in event of insolvency.

more than two hundred and fifty dollars 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.

Order and
notice of
assessment.

SEC. 95. *Order and Notice of Assessment.* At any time after the Commissioner shall find that any contribution or the interest thereon has become delinquent, the Commissioner may issue an order and notice of assessment specifying the amount due, which order and notice of assessment shall be served upon the delinquent employer in the manner prescribed for the service of a summons in a civil action, except that if the employer cannot be found within the state, said order and notice will be deemed to be served when mailed to the delinquent employer at his last known address by registered mail.

Jeopardy
assessment.

SEC. 96. *Jeopardy Assessment.* 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 will be jeopardized by delaying collection, he may make an immediate assessment thereof and may proceed to enforce collection immediately, but interest shall not begin to accrue upon any contributions until the date when such contributions would normally have become delinquent.

SEC. 97. *Distrain, Seizure, and Sale.* If the amount of contributions or interest assessed by the Commissioner by order and notice of assessment pro-

vided in this act is not paid within ten days after the service or mailing of the order and notice of assessment, the Commissioner or his duly authorized representative may 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.

Distraint,
seizure, and
sale.

SEC. 98. *Distraint Procedure.* 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 who may set a minimum price to include the expenses 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 Unemployment Compensation Division for such minimum price. In such event the delinquent account shall be credited with the amount for which the property has been sold. Property acquired by the Unemployment Compensation Division as herein prescribed may be sold by the Commissioner or his

Distraint
procedure.

representative at public or private sale, and the amount realized shall be placed in the Unemployment Compensation Trust Fund.

Distrain
procedure.

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, except in those cases wherein the property has been acquired by the Unemployment Compensation Division, 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 subdivisions.

Notice to
withhold
property.

SEC. 99. *Notice and Order to Withhold and Deliver.* The Commissioner is hereby authorized to issue to any person, firm, or corporation a notice and order to withhold and deliver property of any kind whatsoever when he has reason to believe that there is in the possession of such person, firm, or corporation, property which is due, owing, or belonging to any person, firm, or corporation upon whom a notice and order of assessment has been served by the Office of Unemployment Compensation and Placement of the state for unemployment compensation contributions or interest.

The notice and order to withhold and deliver shall be served by the Sheriff of the county wherein

the service is made, or by his deputy, or by any duly authorized representative of the Commissioner. Any person, firm, or corporation upon whom service has been made is hereby required to answer the notice, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person, firm, or corporation, any property which may be subject to the claim of the Office of Unemployment Compensation and Placement of the state, such property shall be delivered forthwith to the Commissioner or his duly authorized representative upon demand to be held in trust by the Commissioner for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or non-liability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the Commissioner conditioned upon final determination of liability.

SEC. 100. *Collection by Civil Action.* 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.

Collection
by civil
action.

SEC. 101. *Contractor's and Principal's Liability for Contributions.* No employing unit which contracts with or has under it any contractor or subcontractor who is an employer under the provisions

Contractor's
liability.

of this act shall make any payment to such contractor or sub-contractor for any indebtedness due until after the contractor or sub-contractor has paid, or has furnished a good and sufficient bond acceptable to the Commissioner for payment of contributions, including interest, due or to become due in respect to personal services which have been performed by individuals for such contractor or sub-contractor. Failure to comply with the provisions of this section shall render said employing unit directly liable for such contributions and the Commissioner shall have all of the remedies of collection against said employing unit under the provisions of this act as though the services in question were performed directly for said employing unit.

Collection
remedies
cumulative.

SEC. 102. *Collection Remedies Cumulative.* 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.

Contribu-
tions adjust-
ments
refunds.

SEC. 103. *Contributions Adjustments and Refunds.* No later than three years after the date on which 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.

SEC. 104. *Election of Coverage.* Any employing unit 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 any distinct class or group of individuals or by all 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 employing unit 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 of coverage.

SEC. 105. *Joint Accounts.* 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.

Joint accounts.

SEC. 106. *Injunction Proceedings.* Any employer

Injunction
proceedings.

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 delinquent contributions and interest shall have been paid, or until the employer shall have furnished a good and sufficient bond in a sum equal to double the amount of contributions and interest already delinquent, plus such further sum as the Court shall deem adequate to protect the Unemployment Compensation Division in the collection of contributions and interest which will become due from such employer during the next ensuing calendar year, said bond to be conditioned upon payment of all contributions and interest due and owing within thirty days after the expiration of the next ensuing calendar year or at such earlier date as the Court may fix.

Action pursuant to the provisions of this section may be instituted in the Superior Court of any county of the state wherein the employer resides, has its principal place of business, or where it has anyone performing services for it, whether or not such services constitute employment.

Limitation
of actions.

SEC. 107. *Limitation of Actions and Uncollectible Accounts.* The Commissioner shall commence action for the collection of contributions and interest imposed by this act by assessment or suit within three years after a return is filed. No proceedings for the collection of such amounts shall be begun after the expiration of such period.

In case of a false or fraudulent return with intent to evade contributions or interest, or in the event of a failure to file a return, the contributions and interest may be assessed or a proceeding in Court for the collection thereof may be begun at any time.

The Commissioner is hereby authorized to charge off as uncollectible and no longer an asset of the

Unemployment Compensation Fund any delinquent contributions, interest, or credits at any time after three years from the date of delinquency, if the Commissioner and the Attorney General are satisfied that there is no available and lawful means by which such contributions or interest may thereafter be collected.

CHAPTER VIII. EXPERIENCE RATING.

SEC. 108. *Experience Rating Study and Report.*

The Commissioner shall make a study of the principle of experience rating and shall report to the Governor and to the legislature of the state not later than January 10, 1947, the results of this study. This report shall include an analysis of experience rating plans, the principles of which are in conformity with Federal requirements, together with the results of the operation of experience rating plans in other states. The report shall further include a draft of a bill which incorporates the experience rating plan that in the opinion of the Commissioner would be most adaptable to the unemployment problem of this state in the event the Governor and the legislature favorably consider the adoption of an experience rating plan. The report may include conclusions or recommendations as to the soundness of the experience rating principle, its adaptability to employment conditions in this state, or on any other point that may be of interest or assistance to the Governor or to the legislature at the election of the Commissioner.

Experience
rating study
and report.

SEC. 109. *Experience Rating Classification.*

The Commissioner shall set up and maintain separate records for each employer of the amounts paid into the fund by it in its own behalf with respect to employment occurring on or after January 1, 1942, and of all benefit payments made and properly chargeable to such employer annually, commencing January 1, 1942. Benefits paid to an unemployed

Experience
rating classi-
fication.

individual during any benefit year shall be charged against the account of the employer from whom the individual earned the most wages during his base year, except that if an individual had an equal amount of base year wages from each of two or more employers, the benefit charge shall be divided equally among such employers: *Provided*, That if such individual performed services in employment for more than one employer during his base year, benefits paid to such individual for unemployment occurring on or before January 2, 1943, 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 individuals in employment for all such employers during the base year. 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.

CHAPTER IX. SEASONAL EMPLOYMENT.

SEC. 110. *Determination of Seasonal Employer.*

Seasonal
employer.

As used in this section the term "seasonal employer" means an employer or operating unit of an employer which, because of the seasonal nature of its operations, reduces its employment to such an extent that its monthly payroll for each of three consecutive months and for the same three months in either of two consecutive calendar or operating years immediately preceding the year for which the determination is made, is less than one-half the average monthly payroll for the three consecutive months of highest payroll in the same calendar or operating years. No employer or operating unit shall be deemed to be seasonal unless and until so determined by the Commissioner. 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.

SEC. 111. *Seasonal Period and Duration of Determination.* Prior to any determination declaring an employer or operating unit seasonal the Commissioner shall hold a public hearing in accordance with such regulation as the Commissioner may prescribe. Written notice of such hearing shall be delivered or mailed to the employer involved and such representatives of individuals in the employment of such employer as may be known to the Commissioner. In addition thereto the Commissioner shall publish one notice in a newspaper of general circulation in the county wherein the employer maintains the operation in question. Said notice herein required shall be given and published at least ten days prior to the date fixed for such hearing.

Seasonal period.

If pursuant to a hearing, as provided herein, an employer is found to be seasonal, a written determination declaring the employer to be seasonal and specifying the period or periods of seasonal operation shall be forwarded to the employer involved. Notice of the determined season shall be forwarded to any representative of individuals in the employment of such employer and of whom the Commissioner has knowledge and shall be published once in a newspaper of general circulation in the county wherein the employer maintains the operation in question.

Period of determination.

Within ten days after the date of publication of such determined season the employer or other interested party may appeal from such determination in the same manner and to the same extent as provided for by this act on an appeal from an order and notice of assessment. If no appeal is taken to an appeal tribunal within the time prescribed by this section, the determination shall be deemed to be conclusive and final.

Any determination once made shall remain in effect during a period of two years from the date the determination becomes effective, but the Commissioner on his own motion may make a redetermination after investigation and a hearing prior to the expiration of such period.

Seasonal employment.

SEC. 112. *Seasonal Employment Defined.* "Seasonal employment" means all employment for a seasonal employer or operating unit within the season determined by the Commissioner as its operating season. All wages or salaries paid by a seasonal employer within such operating season shall be deemed seasonal wages.

Operating unit.

SEC. 113. *Operating Unit.* For the purposes of this act relating to seasonal employment, an "operating unit" is any unit of an employer's business which frequently is conducted as a separate and independent operation.

Seasonal worker.

SEC. 114. *Seasonal Worker.* "Seasonal worker" means an individual who has base year credits of which at least eighty per centum have been earned in seasonal employment from one seasonal employer.

Benefit payments.

SEC. 115. *Benefit Payments to Seasonal Workers.* When the Commissioner has designated the operations of an employer or an operating unit as seasonal, then benefits shall be payable to seasonal workers employed thereby only on account of unemployment occurring during the regular period of such seasonal employment.

Seasonal employment study.

SEC. 116. *Seasonal Employment Study.* The Commissioner shall study and investigate seasonal employment with respect to the administrative practicability of this act and its effect upon the payment of benefits to persons in seasonal industries. In the event that the Commissioner should determine, as a result of such study and investigation, that changes should be made, he shall prepare and submit to the

Governor not later than December 1, 1946, recommendations in keeping with his findings and conclusions.

CHAPTER X. REVIEW, HEARINGS, AND APPEALS.

SEC. 117. *Appeal Tribunals.* The Commissioner shall establish one or more impartial appeal tribunals, each of which shall consist of 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. Wherever the term "appeal tribunal" or "the appeal tribunal" is used in this act the same refers to an appeal tribunal established under the provisions of this section. Notice of any appeal or petition for hearing taken to an appeal tribunal in any proceeding under this act may be filed with such agency as the Commissioner may by regulation prescribe.

Appeal
tribunals.

SEC. 118. *Filing of Benefit Appeals.* The applicant, his most recent employing unit or any interested party to the initial determination or redetermination which the Commissioner by regulation prescribes, may file an appeal from such determination or redetermination with the appeal tribunal within ten days after the date of notification or mailing, whichever is earlier, of such initial determination or redetermination to his last known address: *Provided*, That in the event an appeal with respect to the initial determination or redetermination of denial of benefits is pending as of the date when a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination. Any claimant denied benefits in accordance with the provisions of this act may file an appeal within ten days from the date of notification or mailing of the notice of denial to his last known address, whichever is earlier. Any appeal from a determination of denial of benefits which is

Filing of
benefit
appeals.

effective for an indefinite period shall be deemed to be an appeal as to all weeks subsequent to the effective date of the denial for which benefits have already been denied. If no appeal is taken from the initial determination, or a redetermination thereon, or a notice of denial of benefits or redetermination thereon, within the time allowed by the provisions of this section for appeal therefrom, said initial determination, redeterminations, or notice of denial of benefits, as the case may be, shall be conclusively deemed to be correct except as hereinbefore provided in respect to reconsideration by the Commissioner of an initial determination or a determination of denial of benefits.

Appeals
from order
and notice of
assessment.

SEC. 119. *Appeal From Order and Notice of Assessment.* When an order and notice of assessment has been served upon or mailed to a delinquent employer, as heretofore provided, such employer may within ten days thereafter file a petition in writing with the appeal tribunal, stating that such assessment 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 Unemployment Compensation Division. If no such petition be filed with the appeal tribunal within said ten days, said assessment shall be conclusively deemed to be just and correct: *Provided*, That in such cases, and in cases where payment of contributions or interest has been made pursuant to a jeopardy assessment, the Commissioner may properly entertain a subsequent application for refund. The filing of a petition on a disputed assessment with the appeal tribunal shall stay the distraint and sale proceeding provided for in this act until a final decision thereon shall have been made, but the filing of such petition shall not affect the right of the Commissioner to perfect a lien, as provided by this act, upon the property of the employer.

Within ten days after notice of denial of refund or adjustment has been mailed or delivered (whichever is the earlier) to an employer, the employer may file a petition in writing with the appeal tribunal for a hearing thereon: *Provided*, That this right shall not apply in those cases in which assessments have been appealed from and have become final. The petitioner 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.

SEC. 120. *Benefit Appeals Procedure.* In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal. Benefit
appeals
procedure.

In any proceeding before an appeal tribunal involving a dispute of an individual's claim for waiting period credit or claim for benefits, all matters and provisions of this act relating to the individual's right to receive such credit or benefits for the period in question shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding involving an appeal relating to benefit determinations or benefit claims, the appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the Unemployment Compensation Division. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor, which shall be deemed to be the final decision on the initial determination or the claim for

waiting period credit or the claim for benefits unless, within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this act relating to review by the Commissioner.

Contributions appeals procedure.

SEC. 121. *Contributions Appeals Procedure.* In any proceeding before an appeal tribunal involving an appeal from a disputed order and notice of assessment (for contributions or interest due), or disputed denial of refund or adjustment (of contributions or interest paid), the appeal tribunal, after affording the parties a reasonable opportunity for hearing, shall affirm, modify or set aside the notice of assessment or denial of refund. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor which shall be deemed to be the final decision on the order and notice of assessment or denial of refund, as the case may be, unless within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this act relating to review by the Commissioner.

Conduct of appeal hearings.

SEC. 122. *Conduct of Appeal Hearings.* The manner in which any dispute shall be presented to the appeal tribunal, and the conduct of hearings and appeals, shall be in accordance with regulations prescribed by 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 appeal tribunal proceedings. All testimony at any appeal tribunal hearing shall be recorded, but need not be transcribed unless further appeal is taken.

Petition for review by Commissioner.

SEC. 123. *Petition for Review by Commissioner.* Within ten days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the Commissioner on his own

order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within ten days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition for review by the Commissioner is received by the Commissioner or by such representative of the Commissioner as the Commissioner by regulation shall prescribe. The Commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his review thereof by entering an order so providing on his own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein for seeking review by the Commissioner and for the Commissioner's assumption of jurisdiction on his own motion for review shall be deemed to be jurisdictional.

SEC. 124. *Commissioner's Review Procedure.* After having acquired jurisdiction for review, the Commissioner shall review the proceedings in question. Prior to rendering his decision, the Commissioner may order the taking of additional evidence by an appeal tribunal to be made a part of the record in the case. Upon the basis of evidence submitted to the appeal tribunal and such additional evidence as the Commissioner may order to be taken, the Commissioner shall render his decision in writing affirming, modifying, or setting aside the decision of the appeal tribunal and shall mail his decision to the interested parties at their last known addresses.

Commissioner's
review
procedure.

SEC. 125. *Finality of Commissioner's Decision.* Any decision of the Commissioner involving a review of an appeal tribunal decision, in the absence of an appeal therefrom as provided by this act, shall

Finality of
Commissioner's
decision.

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 provided in this act for hearing by an appeal tribunal and for review of the appeal tribunal's decision by the Commissioner. 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.

Costs.

SEC. 126. *Costs.* In all proceedings provided by this act prior to Court review involving dispute of an individual's initial determination, or claim for waiting period credit, or for benefits, the fees of all witnesses attending such proceedings pursuant to subpoena shall be paid at the rate fixed by such regulation as the Commissioner shall prescribe and such fees and all costs of such proceedings otherwise chargeable to such individual, except charges for services rendered by counsel or other agent representing such individual, shall be paid out of the Unemployment Compensation Administration Fund. In all other respects and in all other proceedings under this act the rule in civil cases as to costs and attorney fees shall apply: *Provided*, That cost bills may be served and filed and costs shall be taxed in accordance with such regulation as the Commissioner shall prescribe.

Fees for hearings.

SEC. 127. *Fees for Administrative Hearings.* No individual shall be charged fees of any kind in any proceeding involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits, under this act by the Commissioner or his representatives, or by an appeal tribunal, or any court, or any officer thereof. Any individual in any such proceeding before the Commissioner or any appeal tribunal may be represented by counsel or other duly authorized agent who shall

neither charge nor receive a fee for such services in excess of an amount found reasonable by the officer conducting such proceeding.

SEC. 128. *Appeal to the Courts.* Within thirty days after any Commissioner's decision, involving review of an appeal tribunal's 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 the hearing before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the Commissioner personally, by personal service, or by mailing a copy thereof to the Commissioner, and by filing the notice of appeal together with proof of service thereof with the Clerk of the Court and by complying with the requirements of this act relating to undertakings on appeal. The service and the filing together with proof of service of the notice of appeal and compliance with the provisions of this act relating to undertakings on appeal, all 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. The Commissioner shall serve upon the appellant and file with the Clerk of the Court before hearing, a certified copy of his complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the Superior Court to the Supreme Court as in other civil cases.

Appeal to
the courts.

SEC. 129. *Undertakings on Appeals to the Courts.*

Undertak-
ings on
appeals to
the courts.

No bond of any kind shall be required of any individual appealing to the Superior Court or the Supreme Court from a Commissioner's decision affecting such individual's application for initial determination or claim for waiting period credit or for benefits.

No appeal from a Commissioner's decision by any other interested party shall be deemed to be perfected nor shall the Court have jurisdiction thereof unless within the thirty-day appeal period provided by this act for service and filing of notice of appeal the appellant shall first have deposited with the Commissioner the sum theretofore determined by the Commissioner to be due from such appellant, if any, together with interest thereon, if any, and in addition thereto shall have filed with the Commissioner an undertaking in such amount and with such sureties as the Superior Court shall approve to the effect that appellant will pay all costs which may be adjudged against him in the prosecution of such appeal. At the option of the appellant such undertaking may be in a sum sufficient to guarantee payment of the amount previously determined by the Commissioner to be due from the appellant, if any, together with interest, if any, in addition to an amount approved by the Court as sufficient to pay all costs which may be adjudged against appellant in prosecution of such appeal, in which event the appellant shall not be required to deposit any sum with the Commissioner as a condition precedent to the taking of an appeal to the Superior Court. In the event of an appeal to the Supreme Court, a deposit or undertaking shall be required of the appellant guaranteeing payment of all sums for which appellant may be adjudged liable, including costs. Such deposit or undertaking shall be approved by the Superior Court and filed with the Clerk of the Supreme Court within the time allowed in civil cases for appeal to the Supreme Court. The juris-

dictional requirements of this section are in addition to the provisions of this act relating to the service and filing of a notice of appeal.

SEC. 130. *Interstate Appeals to Thurston County.* Appeals to the Superior Court from decisions of the Commissioner dealing with the applications or claims relating to benefit payments which were filed outside of this state with an authorized representative of the Commissioner shall be taken to the Superior Court of Thurston County which shall have the sole jurisdiction of such appeals. Interstate
appeals.

SEC. 131. *Jurisdiction of the Courts.* 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. Jurisdiction.

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.

Whenever any order and notice of assessment shall have become final in accordance with the provisions of this act, the Court shall upon application of the Commissioner enter a judgment in the amount provided for in said order and notice of assessment, and said judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said Court.

SEC. 132. *Attorneys' Fees In Courts.* It shall be unlawful for any attorney engaged in any appeal to the Courts on behalf of an individual involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits to charge or receive any fee therein in excess of a Attorney
fees.

reasonable fee to be fixed by the Superior Court in respect to the services performed in connection with the appeal taken thereto and to be fixed by the Supreme Court in the event of an appeal thereto, and if the decision of the Commissioner shall be reversed or modified, such fee and the costs shall be payable out of the Unemployment Compensation Administration Fund. In the allowance of fees the Court shall give consideration to the provisions of this act in respect to fees pertaining to proceedings involving an individual's application for initial determination, claim for waiting period credit, or claim for benefits. In other respects the practice in civil cases shall apply.

Decisions
final by
agreement.

SEC. 133. *Decisions Final by Agreement.* No appeal from the decision of an appeal tribunal, or of the Commissioner, or of any Court in any proceedings provided by this act may be taken subsequent to the filing with the appeal tribunal, Commissioner, or Court which rendered the decision, within the time allowed for appeal, of an agreement in writing approved by all interested parties to the proceedings, providing that no appeal will be taken from such decision. The provisions of this section shall be jurisdictional.

Remedies
exclusive.

SEC. 134. *Remedies of Act Exclusive.* The remedies provided in this act for determining the justness or correctness of assessments, refunds, adjustments, or 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 set out in this act shall not be the subject of any declaratory judgment.

Costs,
charges,
expenses.

SEC. 135. *Costs, Charges, and Expenses.* 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 attorneys' fees and all costs taxed against such Commissioner, shall be paid out of the Unemployment Compensation Administration Fund.

Neither the Commissioner nor the State shall be charged any fee for any service rendered in connection with litigation under the Unemployment Compensation Act by the Clerk of any Court.

CHAPTER XI. DISABILITY COMPENSATION.

SEC. 136. *Disability Compensation Study.* The Commissioner shall make a study to determine the practicability and necessity of meeting the problems of unemployment in the state due to sickness, accident or injury, by the enactment of legislation which would alleviate the hardships caused by such unemployment. The Commissioner shall prepare and submit to the Governor, not later than December 1, 1946, a written report of the results of the study together with recommendations in keeping therewith.

Disability
compensa-
tion study.

SEC. 137, through SEC. 179. Reserved.

CHAPTER XII. PENALTIES AND MISDEMEANORS.

SEC. 180. *Violations Generally.* It shall be unlawful for any person to knowingly give any false information or withhold any material information required under the provisions of this act. Any person who violates any of the provisions of this act, which violation is declared to be unlawful, and for which no contrary provision is made, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than two hundred and fifty dollars or by imprisonment in the county jail for not more than ninety days:

Violations.

It Is Provided, However, That any person who violates the provisions of section 182 of this act shall be guilty of a gross misdemeanor:

And It Is Further Provided, That any person who

in connection with any compromise or offer of compromise willfully conceals from any officer or employee of the state any property belonging to an employing unit which is liable for contributions, interest, or penalties, or receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement relating to the financial condition of the employing unit which is liable for contributions, shall upon conviction thereof be fined not more than five thousand dollars or be imprisoned for not more than one year, or both.

Violations
by
employers.

SEC. 181. *Violations By Employers.* Any person required under this act to collect, account for and pay over any contributions imposed by this act, who willfully fails to collect or truthfully account for and pay over such contributions, and any person who willfully attempts in any manner to evade or defeat any contributions imposed by this act or the payment thereof, shall, in addition to other penalties provided by law, upon conviction thereof, be fined not more than five thousand dollars, or imprisoned for not more than one year, or both, together with the costs of prosecution.

The term "person" as used in this section includes an officer or individual in the employment of a corporation, or a member or individual in the employment of a partnership, who as such officer, individual, or member is under a duty to perform the act in respect of which the violation occurs.

CHAPTER XIII. GENERAL AND MISCELLANEOUS PROVISIONS.

Waiver of
rights void.

SEC. 182. *Waiver of Rights Void.* Any agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this act shall be void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required

under this act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from remuneration [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.

SEC. 183. *Exemption of Benefits.* Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this act shall be void. Such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debts. Benefits received by any individual, so long as they are not commingled 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.

Exemption
of benefits.

CHAPTER XIV. SAVING PROVISIONS.

SEC. 184. *Saving Clause.* If any provisions 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 or circumstances shall not be affected thereby.

Saving
clause.

SEC. 185. *Appointments and Regulations Continued.* The repeal of any acts or parts of acts by this act shall not affect the appointment or employment of any individual or salary, wages, compensation, powers or duties relating to such individual which would continue in effect except for such repeal. Rules and regulations adopted pursuant to the provisions of any acts or parts of acts repealed by

Appoint-
ments and
regulations
continued.

this act and consistent with the provisions of this act are not affected by such repeal and are hereby continued in full force and effect.

Prior
actions.

SEC. 186. *Actions Commenced Under Prior Laws.* Any action or proceeding had or commenced in any civil or criminal cause prior to the effective date of this act may be prosecuted and continued with the same effect and under the same provisions of the law in effect at the time the action or proceeding was had or commenced: *Provided*, That no appeal taken subsequent to the effective date of this act will be effective or valid unless there is compliance with the requirements of this act relating to appeals.

Vested
rights.

SEC. 187. *No Vested Rights.* The legislature reserves the right to amend or repeal all or any part of this act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

CHAPTER XV. REPEAL AND CONSTITUTIONALITY.

Acts
repealed.

SEC. 188. *Acts Repealed.* The following acts and parts of acts relating to unemployment compensation are hereby repealed: Chapter 162, Session Laws of 1937; chapter 12, Session Laws of 1939; chapter 214, Session Laws of 1939; section 6 of chapter 201, Session Laws of 1941; chapter 253, Session Laws of 1941; chapter 65, Session Laws of 1943; chapter 127, Session Laws of 1943; chapter 226, Session Laws of 1943.

SEC. 189. *Conflicting Acts Repealed.* All acts or parts of acts in conflict with or in derogation of this act or any part of this act are hereby repealed in so far as the same are in conflict with or in derogation of this act or any part thereof.

SEC. 190. *Repealed Acts Not Re-enacted.* The

repeal of any acts or parts of acts hereby shall not be construed to re-enact or revive any act or parts of acts repealed or superseded by the acts or parts of acts hereby repealed.

SEC. 191. *Separability of Provisions.* If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Separability
of pro-
visions.

CHAPTER XVI. EMERGENCY.

SEC. 192. *Effective Date of Act.* An emergency exists and this act is necessary for the preservation of the public peace, health, safety, and welfare and shall take effect on the 1st day of July, 1945.

Emergency
clause.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 13, 1945, with the exception of section 24 which is vetoed.

CHAPTER 36.

[S. B. 290.]

STATE PARKS COMMITTEE.

AN ACT relating to the State Parks Committee, adding certain officers thereto, and defining their duties, privileges and authority; amending section 10 of chapter 7 of the Laws of 1921 (section 10768, Remington's Revised Statutes, also Pierce's Perpetual Code 228-15); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 10 of chapter 7 of the Laws of 1921 (section 10768 Remington's Revised Statutes, also Pierce's Perpetual Code 228-15), is amended to read as follows:

State Parks
Committee.

Section 10. The Commissioner of Public Lands, the Secretary of State, the State Auditor, the Lieutenant-Governor, and the State Treasurer, ex officio, shall constitute the State Parks Committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the State Board of Park Commissioners.

Effective
Immediately.

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

Passed the Senate February 25, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 37.

[S. B. 57.]

STATE GAME COMMISSION.

AN ACT relating to game and the appointment of a State Game Commission, and amending section 107B, chapter 7, Laws of 1921, as enacted by section 8, chapter 3, Laws of 1933; and repealing section 107C, chapter 7, Laws of 1921, as enacted by section 9, chapter 3, Laws of 1933, and declaring an emergency.

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

SECTION 1. Section 107B, chapter 7, Laws of 1921, as enacted by section 8, chapter 3, Laws of 1933, is amended to read as follows:

Amend-
ments.

Section 107B. The Governor shall have the power and it shall be his duty to appoint a State Game Commission, which shall consist of six electors of the state, who shall be appointed by the Governor with the consent of the Senate and hold office at the pleasure of the Governor, at least three of whom shall be residents of that portion of the state lying east of the summit of the Cascade Mountains, and at least three of whom shall be residents of that portion of the state lying west of the summit of the Cascade Mountains, no two of whom shall be residents of the same county.

State Game
Commission,
how
appointed.

SEC. 2. Section 107C, chapter 7, Laws of 1921, as enacted by section 9, chapter 3, Laws of 1933, is hereby repealed.

Amend-
ments.

* SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the Senate February 26, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

* For Supreme Court of Washington decision affecting this section see *State ex rel. McLeod v. Reeves*, 122 Wash. Dec. 620, 22 Wn. (2d) —.

CHAPTER 38.

[S. B. 90.]

GASOLINE EXCISE TAX—REFUNDS.

AN ACT relating to the excise tax on gasoline and other inflammable liquids; providing for refunds, and amending section 18, chapter 58, Laws of 1933, as last amended by section 5, chapter 84, Laws of 1943 (section 8327-18, Remington's Revised Statutes, 1943 Supp., also Pierce's Perpetual Code 977-35).

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

Amend-
ments.

SECTION 1. That section 18, chapter 58, Laws of 1933, as last amended by section 5, chapter 84, Laws of 1943 (section 8327-18, Remington's Revised Statutes, 1943 Supp., also Pierce's Perpetual Code 977-35) be amended to read as follows:

Application
for permit
for refunds.

Section 18. Any person desiring to claim a refund shall obtain an annual permit from the Director of Licenses by application therefor on such form as he shall prescribe, which application shall contain, among other things, the name, address and occupation of the applicant and the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under such permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. It is the duty of the Director of Licenses to keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. At the time of filing an application for annual refund permit, the applicant shall pay to the Director of Licenses an annual permit fee of fifty (50) cents, which shall be deposited in the motor vehicle fund. All permits shall expire on the

When
obtained.

Annual
fee.

thirty-first day of March following the date of their issue.

Any person who shall use any motor vehicle fuel as herein defined for the purpose of operating any internal combustion engine not used on nor in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motor power thereof, upon which motor vehicle fuel excise tax provided for in this chapter has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so provided for in this chapter paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel: *Provided*, That no refund shall be made in any case for motor vehicle fuel consumed in any motor vehicle as herein defined licensed to be operated over and along any of the public highways. Every person who shall purchase and use any motor vehicle fuel as herein defined as an ingredient for manufacturing or for cleaning or dyeing or for some other similar purpose and upon which the motor vehicle fuel excise tax provided for in this chapter has been paid shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. Every person who shall export any motor vehicle fuel as herein defined for use outside of this state and who shall have paid the motor vehicle fuel excise tax upon such motor vehicle fuel as required by this chapter shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel ex-

Persons
entitled to
refund.

Highway
use.

Exempted
uses.

Exempted
when
exported.

Claim and
affidavit.

cise tax so paid on each gallon of motor vehicle fuel so exported: *Provided*, That any motor vehicle fuel carried from this state in the fuel tank of a motor vehicle shall not be considered as exported from this state. Any person or persons claiming any refund for any motor vehicle fuel used or exported as in this section provided shall not be entitled to receive such refund until such person or persons presents to the Director of Licenses such claim by affidavit upon forms to be provided by the Director of Licenses with such information as the Director of Licenses shall require, which claim and affidavit to be valid shall in all cases be accompanied by the invoice or invoices issued to the claimant at the time of the purchase or purchases of such motor vehicle fuel, approved as to invoice form by the Director of Licenses. Any person claiming refund as herein provided by reason of exportation of motor vehicle fuel shall in addition to the affidavit and invoices required furnish to the Director of Licenses the export certificate therefor. In all cases such affidavit shall be signed by the person claiming such refund, or if it be a corporation, by some proper officer thereof and the signature thereon shall be certified by a notary public that the claimant is known to him and that the same was subscribed and sworn to by such claimant in his presence.

Export
certificate.

Certification.

Other
information.

Any person claiming refund from motor vehicle fuel used other than in motor vehicles as herein provided may be required by the Director of Licenses to also furnish information by affidavit regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported upon which no refund is claimed.

How paid.

Upon the approval of the Director of Licenses of such claim for refund, the State Auditor shall draw his warrant upon the State Treasurer for the amount of such claim in favor of the person making such claim and such warrant shall be paid from the excise

tax collected on motor vehicle fuel: *Provided*, That application for any refunds of excise tax paid as in this section provided shall be filed in the office of the Director of Licenses not later than 5:00 o'clock in the afternoon of the last day of a period six (6) calendar months from the date of purchase of such motor fuel, and if not filed within this period then the right to such refund shall be forever barred. Any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any affidavit required herein for the refund of any excise tax, as provided in this section, or who shall collect or cause to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this section shall be guilty of a gross misdemeanor.

Time
limit.

The Director of Licenses shall have the right in order to establish the validity of any claim for refund to require the claimant to furnish such additional proof of the validity of such claim as said Director of Licenses may determine, and to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the refund claimed on account of the transaction in question.

Additional
proof.

Audit.

If upon investigation it shall be determined by the Director of Licenses that any claim or claims have been supported by invoice or invoices fraudulently made or altered in any manner to support such claim or claims, the Director of Licenses shall have the right to suspend the pending and all further refunds to any such person, firm or corporation making such claim or claims, for a period not to exceed one year.

May suspend
for fraud.

When motor vehicle fuel is sold to a person who shall claim to be entitled to a refund of the tax hereunder imposed, the seller of such motor vehicle fuel shall make and deliver at the time of such sale

Separate
invoices.

separate invoices for each purchase on invoice forms approved by the Director of Licenses showing the name and address of the seller and the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold written in words and figures and the date of such purchase. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.

Destroyed
records.

A refund shall be made in the manner provided in this section or a credit allowing for the excise tax paid or accrued on all motor vehicle fuel which, after shipment or receipt, shall be destroyed by fire, lightning, flood, wind storm, or explosion, but such destruction must be proved to the complete satisfaction of the Director of Licenses.

Passed the Senate February 9, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 39.

[S. B. 124.]

PROBATE.

AN ACT relating to probate and providing for the proof of wills in cases where subscribing witnesses are in the service of the United States or dead, insane or absent from the state, amending section 12 of chapter 156 of the Laws of 1917, as amended by chapter 219 of the Laws of 1943 (section 1382 of Rem. Supp. 1943, also Pierce's Perpetual Code 222-7), and declaring an emergency.

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

Amend-
ments.

SECTION 1. That section 12 of chapter 156 of the Laws of 1917, as amended by chapter 219 of the Laws of 1943 (section 1382 of Rem. Supp. 1943, also Pierce's Perpetual Code 222-7) is amended to read as follows:

Section 12. When one of the witnesses to any

such will shall be examined and the other witness or witnesses are engaged with the armed forces of the United States, or employed on a vessel of the United States Merchant Marine, or dead, insane, their residence unknown, or absent from the state, or for any other cause deemed by written order of the Superior Court to be sufficient, then proof shall be taken of the handwriting of the testator and of such other witness, and all such other circumstances as would tend to prove such will.

Witnesses
to wills in
armed
forces.

If it should appear to the satisfaction of the Court that all the subscribing witnesses to any such will are with the armed forces of the United States, or employed on a vessel of the United States Merchant Marine, or dead, insane, their residence unknown, or for any other cause deemed by written order of the Superior Court to be sufficient, the Court shall take and receive proof of the handwriting of the testator and subscribing witnesses to the will and such other facts and circumstances as would tend to prove such will.

Procedure
and proof.

If it shall appear to the satisfaction of the Court that one or more of the subscribing witnesses to a will are serving in or with the armed forces of the United States, or as merchant seamen, or are serving outside the limits of the United States by assignment, or direction of any department or official of the United States in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, has been reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by an enemy, and proof of the handwriting of said witness or witnesses may not be obtained, the Court may admit the will to probate upon satisfactory testimony that the signature to the will is in the handwriting of the person whose will it purports to be, and such other facts and circumstances as would tend to prove such will.

Witnesses
missing or
captured.

Effective immediately.

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

Passed the Senate February 8, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 40.

[S. B. 125.]

WATER DISTRICTS.

AN ACT validating the organization, establishment, and existence of water districts, and local improvement districts and utility local improvement districts therein, heretofore organized or established or attempted to be organized or established under chapter 114, Laws of 1929, and amendments thereto (sections 11579 to 11604, Remington's Revised Statutes, also Pierce's Perpetual Code 994-1 to -53), validating and confirming all bonds, obligations, contracts, assessments, levies, and all other acts, proceedings and things heretofore executed, issued or done by such districts or their officers; and declaring an emergency.

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

Validates certain water district formed.

SECTION 1. Each and all of the respective areas of land heretofore attempted to be organized into water districts or into local improvement districts or utility local improvement districts under the provisions of chapter 114, Laws of 1929, and amendments thereto (sections 11579 to 11604, Remington's Revised Statutes, also Pierce's Perpetual Code 994-1 to -53), are hereby validated and declared to be duly existing water districts, or local improvement districts, or utility local improvement districts, as the case may be, having the respective boundaries set forth in their organization proceedings as shown by the files in the office of the Board of County Com-

missioners of the county in question and of such water districts.

SEC. 2. All debts, contracts, and obligations heretofore made or incurred by or in favor of any such water district, local improvement district, or utility local improvement district, and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization, and any and all assessments or levies, and all other things and proceedings done or taken by such districts or by their respective officers acting under or in pursuance of such attempted organization, are hereby declared legal and valid and of full force and effect.

Validates
outstanding
obligations.

SEC. 3. The provisions of this act shall apply only to such districts attempted to be organized under chapter 114, Laws of 1929, and amendments thereto (sections 11579 to 11604, Remington's Revised Statutes, also Pierce's Perpetual Code 994-1 to 53), which have maintained their organization as such since the date of such attempted organization, establishment, or creation.

Limitations.

SEC. 4. If any part of this act is for any reason held unconstitutional or invalid, it shall not affect the validity of the remaining portions of this act.

Partial
invalidity.

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 February 22, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 41.

[S. B. 151.]

OATH AND BOND OF GUARDIANS.

AN ACT relating to oath and bond of guardians; amending section 203, chapter 156, Laws of 1917 (section 1573, Remington's Revised Statutes, also Pierce's Perpetual Code 206-17), and providing for issuance of letters of guardianship without bond in certain instances.

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

Amend-
ments.

SECTION 1. Section 203, chapter 156, Laws of 1917 (section 1573, Remington's Revised Statutes, also Pierce's Perpetual Code 206-17), is amended to read as follows:

Bond and
oath of
guardian.

Section 203. Before letters of guardianship are issued, each guardian shall take and subscribe on oath and file a bond, with sureties to be approved by the Court, payable to the State of Washington, in such sum as the Court may fix, and such bond shall be conditioned substantially as follows:

Form.

The condition of this obligation is such, that if the above bond [bound] A. B., who has been appointed guardian for C. D., shall faithfully discharge the office and trust of such guardian according to law and shall render a fair and just account of his guardianship to the Superior Court for the county of, from time to time as he shall thereto be required by such Court, and comply with all orders of the Court, lawfully made, relative to the goods, chattels, moneys, care, management and education of such minor, insane or mentally incompetent person, or his or her property, and render and pay to such minor, insane or mentally incompetent person all moneys, goods, chattels, title papers and effects which may come into the hands or possession of such guardian, at such time and in such manner as the Court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The said bond shall be for the use of such minor, insane or mentally incompetent person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty shall be recovered thereon. The Court may require an additional bond whenever for any reason it may appear to the Court that such additional bond should be given: *Provided, however,* That in all cases where a bank or trust company, authorized to act as guardian, is appointed as guardian no bond shall be required. Not limited.

Passed the Senate February 27, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 42.

[S. B. 156.]

STATE GAME DEPARTMENT.

AN ACT requiring the Department of Game to maintain its principal office at the state capital; and amending section 115, chapter 7, Laws of 1921, as amended by section 6, chapter 3, Laws of 1933 (section 10873, Remington's Revised Statutes, also Pierce's Perpetual Code 235-1).

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

SECTION 1. Section 115, chapter 7, Laws of 1921, as amended by section 6, chapter 3, Laws of 1933 (section 10873, Remington's Revised Statutes, also Pierce's Perpetual Code 235-1), is amended to read as follows: Amendments.

Section 115. The Department of Game shall be organized into and consist of the State Game Commission and the Director of Game, and shall maintain its principal office at the state capital. The Director of Game shall have charge and general Game Commission office.

Salary.

supervision of the Department of Game, and shall receive a salary of not to exceed six thousand dollars per annum, and shall have power to appoint and employ such Game Protectors, Deputy Game Protectors, and such clerical and other assistants as may be necessary for the general administration of the department, and no person shall be eligible to appointment as or hold the office of Director of Game unless he has practical knowledge of the habits and distribution of the game and game fish of this state.

Passed the Senate February 25, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 43.

[S. B. 184.]

HOUSING AUTHORITIES.

AN ACT relating to housing authorities; redefining and enlarging their powers; and amending section 8, chapter 23, Laws of 1939 (section 6889-8, Remington's Revised Statutes, also Pierce's Perpetual Code 637-13).

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

Amend-
ments.

SECTION 1. Section 8, chapter 23, Laws of 1939 (section 6889-8, Remington's Revised Statutes, also Pierce's Perpetual Code 637-13), is amended to read as follows:

Powers.

Section 8. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual suc-

cession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

Power of
housing
authorities.

(b) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any sub-contractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid of the project.

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or

Powers of
housing
authorities.

personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the Federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

(f) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside

of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

Powers of
housing
authorities.

(h) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(i) To agree (notwithstanding the limitation contained in section 22 of this act) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this act.

(j) To exercise the powers granted in this act within the boundaries of any city, town, or county not included in the area in which such Housing Authority is originally authorized to function: *Provided, however,* The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

Passed the Senate March 1, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 44.

[S. B. 183.]

INSPECTION OF MOTOR VEHICLES.

AN ACT relating to the inspection of motor vehicles; prescribing the duties of certain officers with relation thereto; and amending sections 7, 8, 9, 10 and 11, chapter 189, Laws of 1937 (sections 6360-7, -8, -9, -10 and -11, Remington's Revised Statutes, also Pierce's Perpetual Code 288-3 to -11).

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

Amendments.

SECTION 1. Section 7, chapter 189, Laws of 1937 (section 6360-7, Remington's Revised Statutes, also Pierce's Perpetual Code 288-3), is amended to read as follows:

Vehicle inspection stations.

Section 7. The Chief of Washington State Patrol is hereby empowered to constitute, erect, operate and maintain, throughout the State of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The Chief of Washington State Patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the Chief of Washington State Patrol, who shall be duly authorized as a peace officer and who shall have authority to secure and withhold, with written notice to the Director of Licenses, the certificate of license registration of any vehicle found to be defective in equipment, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the peace officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to

operate such vehicle to a place for repair under such restrictions as may be reasonably necessary for the safe operation thereof.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the Chief of Washington State Patrol and it shall be unlawful for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Stickers
displayed.

SEC. 2. Section 8, chapter 189, Laws of 1937 (section 6360-8, Remington's Revised Statutes, also Pierce's Perpetual Code 288-5), is amended to read as follows:

Amend-
ments.

Section 8. The Chief of Washington State Patrol is empowered to provide reasonable rules and regulations regarding times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspection stations.

Inspection
rules.

In the event that any municipality or other political subdivision of this state has installed and placed in operation on the effective date of this act, any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the Chief of Washington State Patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the Chief of Washington State Patrol and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the Chief of Washington State Patrol.

Municipally
owned
inspection
stations.

The Chief of Washington State Patrol shall prepare and furnish such stickers, tags, record and report forms, stationery and other supplies as shall be deemed necessary. The Chief of Washington State Patrol is empowered to appoint and employ

Stickers and
supplies
furnished.

such assistants as he may consider necessary and to fix hours of employment and compensation.

Amend-
ments.

SEC. 3. Section 9, chapter 189, Laws of 1937 (section 6360-9, Remington's Revised Statutes, also Pierce's Perpetual Code 288-7), is amended to read as follows:

Acquisition
of lands.

Section 9. The Chief of Washington State Patrol is empowered to acquire land for such vehicle equipment inspection stations by purchase, gift, or condemnation, with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The Chief of Washington State Patrol is empowered to erect structures and to acquire and install such equipment and mechanical devices as shall from time to time be necessary or convenient for the inspection of vehicle equipment.

Acquiring
stations from
municipality.

In the event that the Chief of Washington State Patrol should deem it advisable to acquire any vehicle equipment inspection station which is owned and operated by any municipality or other political subdivision of this state at the time of the taking effect of this act, and funds being available therefor, the Chief of Washington State Patrol is empowered to acquire such vehicle equipment inspection station in the name of the State of Washington upon an agreed cost with such municipality or other political subdivision not in excess of the reasonable value thereof.

SEC. 4. Section 10, chapter 189, Laws of 1937 (section 6360-10, Remington's Revised Statutes, also Pierce's Perpetual Code 288-9), is amended to read as follows:

Periodic
inspections.

Section 10. Vehicle equipment inspection shall be at such periodic intervals as shall be required by the Chief of Washington State Patrol and shall be without charge for such periodic inspection.

SEC. 5. Section 11, chapter 189, Laws of 1937 (section 6360-11, Remington's Revised Statutes, also Pierce's Perpetual Code 288-11), is amended to read as follows:

Amend-
ments.

Section 11. It shall be unlawful for any person employed by the Chief of Washington State Patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend or influence the correction of vehicle equipment defects by any person or persons whomsoever.

Repair or
adjustment
of equipment
at stations
unlawful.

It shall be unlawful for any person employed by the Chief of Washington State Patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

Penalty.

Passed the Senate February 19, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 45.

[S. B. 200.]

POLICE RELIEF AND PENSION FUND.

AN ACT relating to police relief and pensions in cities of the first class; providing for the computation of time of persons eligible thereto who have been members of the armed services in World War II; and amending section 1, chapter 24, Laws of 1937 (section 9582, Remington's Revised Statutes, also Pierce's Perpetual Code 373-7).

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

Amend-
ment.

SECTION 1. Section 1, chapter 24, Laws of 1937 (section 9582, Remington's Revised Statutes, also Pierce's Perpetual Code 373-7), is amended to read as follows:

Police
Department
pensions.

Section 1. Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed, and shall have served honorably for a period of twenty-five (25) years or more, as a member, in any capacity of the regularly constituted Police Department of any such city which may be subject to the provisions of this act, the board shall be empowered to order and direct that such person be retired from such Police Department, and the board shall retire any member so entitled as hereinbefore provided for, upon his written request for same, and such member so retired shall be paid from such fund during his lifetime a yearly pension which shall be equal to fifty (50) per cent of the amount of salary attached to the rank held by such retired member for the year preceding said date of such retirement: *Provided*, That no monthly pension allowed any member of the police department of any city which may be subject to the provisions of this act, shall exceed the amount of one hundred twenty-five (\$125.00) dollars per month: *Provided further*, That the Auditor, City Comptroller or officer whose duty it is to draw warrants, in making out warrant for the monthly salaries shall not deduct or withhold any part or percentage from any member's

salary in excess of the amount deducted or withheld from the maximum salary rate on which the amount not exceeding one hundred twenty-five (\$125.00) dollars the monthly pension is based: *Provided further*, That any person affected by this act who at the time of entering the Armed Services was a member of such Police Department and has honorably served in the Armed Services of the United States in the time of war, shall have added to his period of employment as computed under this act, his period of War Service in the armed forces, but such credited service shall not exceed five (5) years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in section 1, chapter 30, Laws of 1933 (section 9581, Remington's Revised Statutes) or acts amendatory thereto.

Service in
armed
forces.

Passed the Senate February 26, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 46.

[S. B. 234.]

PUBLIC HEALTH POOLING FUNDS.

AN ACT relating to public health; authorizing the counties, first class cities and health districts to establish public health pooling funds; providing for school district participation therein, and for the administration of said funds; and amending sections 1, 2 and 3, chapter 190, Laws of 1943 (sections 6099-1, -2, and -3, Rem. Supp. 1943, also Pierce's Perpetual Code 800p-1 to 5).

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

SECTION 1. Section 1, chapter 190, Laws of 1943 (section 6099-1, Rem. Supp. 1943, also Pierce's Perpetual Code 800p-1), is amended to read as follows:

Amend-
ment.

Section 1. Any county, first class city or health

Pooling fund
authorized.

district is hereby authorized and empowered to create a "Public Health Pooling Fund," hereafter called the "fund," for the efficient management and control of all moneys coming to such county, first class city or district for public health purposes.

"Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand (100,000) or less, and towns therein.

SEC. 2. Section 2, chapter 190, Laws of 1943 (section 6099-2, Rem. Supp. 1943, also Pierce's Perpetual Code 800p-3), is amended to read as follows:

Section 2. Any such fund may be established in the County Treasurer's office or the City Treasurer's office of a first class city according to the type of local health department organization existing.

In a district composed of more than one county, the County Treasurer of the county having the largest population shall be the custodian of the fund, and the County Auditor of said county shall keep the record of receipts and disbursements; and shall draw and the County Treasurer shall honor and pay all such warrants.

Allocation
of funds.

Into any such fund so established may be paid:

(1) All grants from any state fund for county public health work;

(2) All county funds collected by county levy as set forth in section 1, chapter 191, Laws of 1939, as amended and set forth in section 1, chapter 163, Laws of 1943 (section 3997-2a, Rem. Supp. 1943, also Pierce's Perpetual Code 800p-1);

(3) Any county current expense funds appropriated for the health department;

(4) Any other money appropriated by the county for health work;

(5) City funds appropriated for the health department;

(6) All moneys received from any governmental

agency, local, state or Federal which may contribute to the local health department; and

(7) Any contributions from any charitable or voluntary agency or contributions from any individual or estate.

Any school district may contract in writing for health services with the health department of the county, first class city or health district, and place such funds in the Public Health Pooling Fund in accordance with the contract.

SEC. 3. Section 3, chapter 190, Laws of 1943 (section 6099-3, Rem. Supp. 1943, also Pierce's Perpetual Code 800p-5), is amended to read as follows:

Amendments.

Section 3. All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, first class city or health district shall be paid out of such fund.

Disbursements.

Passed the Senate March 3, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 47.

[S. B. 341.]

OLD CAPITOL BUILDING.

AN ACT relating to the use of certain space in the old capitol building; declaring an emergency; and repealing all previous acts and resolutions inconsistent herewith.

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

SECTION 1. The house and senate chambers in the old capitol building, and the committee and other rooms adjacent thereto, together with furniture situated therein, use of portions of which was restricted to the holding of hearings and examinations, and as a place of public meetings by Senate Joint Resolution No. 11, page 934, Laws of 1927, are hereby made available as office and storage space for state use.

Old capitol building use.

Repealing
clause.

SEC. 2. All acts and resolutions restricting the use of said chambers in the old capitol building are hereby repealed.

Effective
immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 2, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 48.

[S. B. 355.]

INTOXICATING LIQUOR.

AN ACT relating to intoxicating liquor; amending chapter 62, Laws of 1933 Extraordinary Session, by adding thereto, sections 56-A and 90-A.

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

Amend-
ments.

SECTION 1. Chapter 62, Laws of 1933 Extraordinary Session, is amended by adding thereto a new section immediately following section 56, to be designated as section 56-A, which section shall read as follows:

Inspection
of books and
records.

Section 56-A. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this act, the board, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license, holder or applicant for license in so far as such books, documents and/or records pertain to the financial transaction involved. Every person who neglects or refuses to produce and submit for inspection any book, record or document as required by this section when requested to do so by

the board or by a person duly appointed by it shall be guilty of a violation of this act. Penalty.

SEC. 2. Chapter 62, Laws of 1933 Extraordinary Session, is amended by adding thereto a new section immediately following section 90, to be designated as section 90-A, which section shall read as follows: Amend-
ments.

Section 90-A. No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, whether resident or non-resident, shall have any financial interest, direct or indirect, in the business of any licensed brewer or beer wholesaler, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits has any interest, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits advance money or monies' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or monies' worth. No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits shall be eligible or receive or hold a license as a brewer or beer wholesaler under this act: *Provided*, That this act shall not be construed to require the divesting of any interest held by any person as of April 1, 1945, in the business of any manufacturer or wholesaler of distilled spirits or the business of any licensed brewer or beer wholesaler. Certain
interests
prohibited.

Passed the Senate March 3, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 14, 1945.

Effective
date.

CHAPTER 49.

[S. B. 350.]

LIFE INSURANCE.

AN ACT relating to investments by life insurance companies and fraternal benefit societies; authorizing investment of their funds in obligations insured and/or guaranteed by certain Federal agencies, pursuant to sections 501 and 505 of the Servicemen's Readjustment Act of 1944; increasing the percentage of mortgage loans to appraised value; and declaring an emergency.

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

Investments of life insurance companies in certain guaranteed loans.

SECTION 1. Notwithstanding the provisions of any other statute of the State of Washington, it shall be lawful for any life insurance company, or any fraternal benefit society, operating under the laws of the State of Washington, to invest its funds eligible for investment in any loans secured by mortgages on real estate which have been guaranteed in whole or in part by the Administrator of Veterans' Affairs, or by the Veterans Administration of the United States, under sections 501 and 505 of the Servicemen's Readjustment Act of 1944 as now constituted or hereafter amended: *Provided*, That the part of any such loan in excess of the amount of the guaranty shall in no case exceed the percentage of such loan to appraised value allowed by statute.

Effective immediately.

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

Passed the Senate March 2, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 50.

[S. B. 19.]

COMMISSIONERS OF WATER DISTRICTS.

AN ACT providing for the election of commissioners of water districts; authorizing districts to compensate their commissioners and reimburse them for expenses paid; and amending section 6, chapter 114, Laws of 1929, as amended by section 1, chapter 72, Laws of 1931 (section 11584, Remington's Revised Statutes, also Pierce's Perpetual Code 994-11) and section 7, chapter 114, Laws of 1929 (section 11585, Remington's Revised Statutes, also Pierce's Perpetual Code 994-13).

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

SECTION 1. That section 6, chapter 114, Laws of 1929, as amended by section 1, chapter 72, Laws of 1931 (section 11584, Remington's Revised Statutes, also Pierce's Perpetual Code 994-11), is amended to read as follows:

Amend-
ments.

Section 6. Nominees for Water Commissioners shall be by petition of at least ten per cent of the qualified electors of such water district, who shall be qualified electors on the date of filing the petition, to be filed in the county auditor's office of the county in which such district is located at least thirty 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 Water Commissioners until the next regular election for water commissioners. Said Board of Water Commissioners shall designate in their 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 voting place in each of the precincts of any city or town in such district and at least one voting place in any precinct in the water district outside of any town or city.

Election of
water com-
missioners.

The polls shall be open at every election held

Polls open,
when.

by said water district at least from one o'clock p. m. to eight o'clock p. m., but said Board of Water Commissioners may keep the polls open for a longer period of time if they shall so order, but 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 water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

Registration
records
available.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the Water Commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 5123 of Remington's Revised Statutes or any amendment thereto shall constitute sufficient notice to citizens residing within said water district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for registration for an election to be held in a water 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, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The city or town clerk or registration officer required to perform the

Registered
voters
eligible.

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 a general or a special city or town municipal election, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, and in so far as the same are not inconsistent with the provisions of this act. All expenses of elections for the formation of such water districts shall be paid by the county in which said election is held 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 water district if formed.

General
election laws
applicable.

Expenses.

Except as in this section otherwise provided, the term of office of each Water 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 water district.

Term.

In any water district hereafter formed, three (3) Water District Commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. The Commissioner residing in commissioner district number one (1) shall hold office for the term of six (6) years; the Commis-

Number of
commis-
sioners.

sioner residing in commissioner district number two (2) shall hold office for the term of four (4) years; and the Commissioner residing in commissioner district number three (3) 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.

Time of
elections.

No election of Commissioners in any water district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1946, at which time and thereafter such elections shall be held as herein provided. At said general election, there shall be elected two (2) Water District Commissioners in each water district, one (1) for a term of four (4) years commencing December 1, 1946, in such commissioner district where the Water District Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1945, and one (1) for a term commencing on the second Monday in December, 1946, and expiring December 1, 1952, in such commissioner district where the Water Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1946, and at the general election to be held on the first Tuesday following the first Monday in November, 1948, there shall be elected one (1) Water District Commissioner for a term of six (6) years commencing December 1, 1948, in such commissioner district of each such water district where the Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1947.

All Commissioners shall hold office until their successors shall have been elected and have qualified.

SEC. 2. Section 7, chapter 114, Laws of 1929

(section 11585, Remington's Revised Statutes, also Pierce's Perpetual Code 994-13), is amended to read as follows:

Amendments.

Section 7. When the said water district shall be created as hereinbefore provided for, the officers of such district shall be a Board of Water Commissioners consisting of three members elected as provided in section 6 of this act and said Board of Water Commissioners shall annually elect one of their number as President and another of their number as Secretary of said board.

President.
Secretary.

The Secretary of the said Board of Water Commissioners may be paid a reasonable sum for the clerical services performed by him. They 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.

Salary.

Records.

Each water district may provide by resolution for the payment of compensation to each of its Commissioners at a rate not exceeding ten dollars (\$10) for each day or major part thereof devoted to the business of the district. Each Water District Commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business, 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.

The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.

Election laws applicable.

Passed the Senate February 9, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 51.

[H. B. 97.]

CUMULATIVE RESERVE FUND.

AN ACT relating to counties; county budgets; cumulative reserve fund.

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

Reserve fund established.

SECTION 1. The Board of County Commissioners of any county may establish a cumulative reserve fund for the construction of a particular building or improvement and annually budget and levy a tax therefor. It may also accept gifts and make transfers from the current expense fund for that purpose.

Limits.

SEC. 2. The limits placed upon the amount allowed to be accumulated in the current expense fund shall not affect any cumulative reserve fund nor shall the existence of any cumulative reserve funds affect the amount which may be accumulated in the current expense fund.

SEC. 3. No money in any cumulative reserve fund shall be used for any purpose other than that for which the fund was created except:

Purposes of fund.

(1) If the purpose of the creation of a cumulative reserve fund has been accomplished by the completion of the proposed building or improvement, the balance remaining in the fund may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board.

(2) If the purpose of the creation of a cumulative reserve fund ceases to exist or is abandoned, the fund or any part thereof, may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board after a public hearing thereon pursuant to a notice by publication: *Provided*, That if the amount to be transferred exceeds fifty thousand dollars (\$50,000), no transfer may be made until authorized by a majority

of the voters of the county voting upon the question at an election.

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

Passed the House February 1, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 52.

[H. B. 160.]

RETIREMENT SYSTEMS.

AN ACT relating to retirement and pension systems in cities of the first class and amending section 1, chapter 192, Laws of 1941 (section 9592-129, Rem. Supp. 1941, also Pierce's Perpetual Code 372-57).

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

SECTION 1. Section 1, chapter 192, Laws of 1941 (section 9592-129, Rem. Supp. 1941, also Pierce's Perpetual Code 372-57), is amended to read as follows: Amendments.

Section 1. Any city of the first class may, by ordinance, extend, upon conditions deemed proper, the provisions of retirement and pension systems for superannuated and disabled officers and employees to officers and employees with five (5) years of continuous service and acting in capacities in which they would otherwise not be entitled to participation in such systems: *Provided*, That the following shall be specifically exempted from the provisions of this act: May extend pension systems.

1. Members of the Police Departments who are entitled to the benefits of the Police Relief and Pension Fund as established by state law. Police.

Firemen.

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.

Passed the House February 24, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 53.

[H. B. 177.]

McKAY MEMORIAL HOSPITAL.

AN ACT providing for hospitalization and care of persons at McKay Memorial Research Hospital, and amending section 2, chapter 46, Laws of 1939, as amended by section 1, chapter 67, Laws of 1941 (section 6130-32, Remington's Revised Statutes, also Pierce's Perpetual Code 636-77).

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

Amend-
ments.

SECTION 1. Section 2, chapter 46, Laws of 1939, as amended by section 1, chapter 67, Laws of 1941 (section 6130-32, Remington's Revised Statutes, also Pierce's Perpetual Code 636-77), is amended to read as follows:

Public
hospital
established.

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 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: *And provided further*, That veterans and persons afflicted with Buerger's disease shall at all times be given preference

Treatment
of Buerger's
disease.

over all other persons. The Director of Finance, Budget and Business may in his discretion, open any available excess accommodations to general hospitalization of other patients, except that no patient having a contagious disease shall be admitted.

Passed the House February 16, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 54.

[H. B. 213.]

EXCISE TAX ON MOTOR VEHICLES.

AN ACT relating to the excise tax on motor vehicles and trailers; and amending chapter 144, Laws of 1943, by adding a new section to said chapter allocating a portion of the cities' and towns' share of the revenues produced under said law to be used for municipal research and service.

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

SECTION 1. That a new section be added to chapter 144, Laws of 1943, to be designated as section 14-a, to read as follows:

Section 14-a. Before distributing monies to the cities and towns from the Motor Vehicle Excise Fund, as provided in section 14 of this act, the State Treasurer shall make an annual deduction therefrom of a sum equal to four cents (4¢) per capita of the population of all cities or towns, determined as provided in section 14 hereof, which sum shall be apportioned and transmitted to the University of Washington for use by its Bureau of Governmental Research, and shall be used for studies and research in municipal government, publications, educational conferences and attendance thereat, and in furnishing technical, consultative and field ser-

Amend-
ments.

Funds for
University
Govern-
mental
Research
Bureau.

Program and
purpose.

vices to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, post-war improvements and public works, and in any and all matters relating to city and town government. The program shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its Executive Committee which is hereby recognized as their official agency or instrumentality: *Provided*, That for the calendar year 1945 after the effective date of this act there shall be deducted from sums allocated to cities and towns under section 14 hereof, and transmitted to the University of Washington for expenditures as hereinbefore provided, a sum equal to two cents (2¢) per capita of the population of the cities and towns of the state, determined as provided in section 14 hereof: *Provided further*, That any monies remaining unexpended or uncontracted for by said bureau at the end of any calendar year shall be returned to the motor vehicle excise fund and be paid to cities and towns under the provisions of section 14 of this act.

Passed the House February 16, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 55.

[H. B. 300.]

REVISING CITY CHARTERS.

AN ACT amending section 8955, Remington's Compiled Statutes of Washington, Pierce's Perpetual Code 367-1 (section 1, chapter 137, Laws Extraordinary Session 1925), relating to the election of freeholders to revise the charters of cities of the first class, extending the time of filing revised charters and declaring that this act shall take effect immediately.

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

SECTION 1. That section 8955 of Remington's Compiled Statutes of Washington, Pierce's Perpetual Code 367-1 (section 1, chapter 137, Laws Extraordinary Session 1925) be amended to read as follows:

Amend-
ments.

Section 8955. Upon the petition of one-fourth of the qualified electors, as shown by the last general city election, of any city of the first class, the City Council of said city shall, and without such petition the City Council in joint session may, cause an election to be held, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to commence within ten days after their election, and within six months thereafter prepare a new charter for said city by altering, changing, revising, adding to or repealing their existing charter, together with any amendments thereto, and file the same with the City Clerk: *Provided*, That at such election the ballots shall be so prepared that the qualified electors of such city may vote for or against choosing fifteen freeholders with the duties aforesaid, and unless a majority of all the votes cast on both propositions so submitted shall result in the election of fifteen freeholders qualified as aforesaid, no new, altered, changed or revised charter shall be prepared or submitted to the electors of such city.

Time of
filing revised
charters.

Effective immediately.

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

Passed the House February 20, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 56.

[H. B. 45.]

PERSONAL PROPERTY TAX.

AN ACT relating to taxation; providing as to the manner in which personal property shall be listed, or may be required to be listed, for taxation, and return thereof made to the Assessor; and amending section 22, chapter 130, Laws of 1925 Extraordinary Session (section 11126, Remington's Revised Statutes, also Pierce's Perpetual Code 979-73).

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

Amendments.

SECTION 1. That section 22, chapter 130, Laws of 1925 Extraordinary Session (section 11126, Remington's Revised Statutes, also Pierce's Perpetual Code 979-73), is hereby amended to read as follows:

Personal property, how listed.

Section 22. Every person required by this act to list property shall make out and deliver to the Assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; no person shall be required to list for taxation in his statement to the Assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the Tax

Commission, or as otherwise required by law. The Assessor may require such statement listing personal property to be delivered to him by mail or in such other manner as he may prescribe, providing that he shall first clearly outline to the Board of County Commissioners of his county the procedure he proposes to follow, and shall have obtained from such board its formal approval of such procedure, and such approval when once granted shall remain effective until formally rescinded by such board.

Delivered
by mail.

Passed the House February 14, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 57.

[H. B. 81.]

NARCOTICS.

AN ACT prohibiting the sale, gift, barter, exchange or distribution of amytal, luminal, veronal, barbital, acid diethylbarbituric and para-amino-benzene sulfonamide and their derivatives; permitting upon approval by the State Board of Pharmacy the sale without prescription of sulfa drugs for external or topical application when so marked and labeled and of veterinary sulfa products when so marked and labeled; amending section 1, chapter 6, Laws of 1939, as amended by section 1, chapter 29, Laws of 1939 (section 2509-15, Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 745-29).

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

SECTION 1. Section 1, chapter 6, Laws of 1939, as amended by section 1, chapter 29, Laws of 1939 (section 2509-15, Remington's Revised Statutes, Supp., also Pierce's Perpetual Code 745-29), is hereby amended to read as follows:

Amend-
ments.

Section 1. It shall be unlawful for any person, firm or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any of their salts,

Prescriptions
for
narcotics.

derivatives, or compounds of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives or compounds, or any registered, trade-marked or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange or distribute para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, prontylin, prontosil, neo prontosil, neo prontylin, edimalin, sulfonamid or any salts, derivatives or compounds thereof or any registered, trade-marked or copyrighted preparation or compound registered in the United States patent office containing said substances, except upon the written order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the State of Washington, and shall not be refilled without the written order of the prescriber: *Provided, however,* That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to pharmacies or to physicians, dentists or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons duly licensed to practice in this state: *Provided, further,* That the above provisions shall not apply to the sale of sulfa drugs and their compounds for external or topical application when so marked and labeled or to the sale of veterinary sulfa products and their compounds when so marked and labeled but only after each of said drugs or products has been approved as being safe for use without medical supervision by regulation of the Board of Pharmacy of this state.

Passed the House February 17, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 58.

[S. H. B. 124.]

FOURTH CLASS CITIES AND TOWNS.

AN ACT relating to fourth class cities and towns; and authorizing the office of the treasurer to be combined with that of clerk, or the office of clerk to be combined with that of treasurer.

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

SECTION 1. The city or town council of any city or town of the fourth class is authorized to provide by ordinance that the office of Treasurer shall be combined with that of Clerk, or that the office of Clerk shall be combined with that of Treasurer: *Provided*, That such ordinance shall not be voted upon until the next regular meeting after its introduction and that it shall require the vote of two-thirds ($\frac{2}{3}$) of the members of the council.

City Clerk and Treasurer may be combined.

SEC. 2. In the event that the office of Treasurer is combined with the office of Clerk, the Clerk shall exercise all the powers vested in and perform all the duties required to be performed by the Treasurer, and in cases where the law requires the Treasurer to sign or execute any papers or documents it shall not be necessary for the Clerk to sign as Treasurer, but shall be sufficient if he signs as Clerk.

Procedure.

SEC. 3. In the event that the office of Clerk is combined with the office of Treasurer, the Treasurer shall exercise all the powers vested in and perform all the duties required to be performed by the clerk.

SEC. 4. The ordinance providing for combining said offices shall provide the date when the combination shall become effective, which date shall not be less than three (3) months from the date when the ordinance becomes effective; and on and after said date the office of Treasurer or Clerk, as the case may be, shall be abolished. Any city or

Effective date.

town, which as herein provided, combines the office of Treasurer with that of Clerk or the office of Clerk with that of Treasurer may terminate such combination by ordinance, fixing the time when the combination shall cease and thereafter the duties of the offices shall be performed by separate officials: *Provided*, That if the office of Treasurer was combined with that of Clerk, the Mayor shall appoint a Treasurer who shall serve until the next city election when a Treasurer shall be elected for the term as provided by law.

Passed the House February 28, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 59.

[H. B. 200.]

CANCELLATION OF DELINQUENT PERSONAL
PROPERTY TAXES.

AN ACT relating to taxation and permitting and authorizing the cancellation of unpaid personal property taxes under certain conditions.

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

SECTION 1. The County Treasurer of any county of the State of Washington, after he has first received the approval of the Board of County Commissioners of such county, through a resolution duly adopted, is hereby empowered to petition the Superior Court in or for his county to finally cancel and completely extinguish the lien of any delinquent personal property tax which appears on the tax rolls of his county, which is more than six years delinquent, which he attests to be beyond hope of collection, and the cancellation of which will not impair the obligation of any bond issue nor be precluded by any other legal impediment that might invalidate such cancellation.

Cancellation
of delinquent
personal
property
taxes.

The Superior Court shall have jurisdiction to hear any such petition and to enter such order as it shall deem proper in the premises.

Passed the House February 17, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 60.

[H. B. 206.]

ELECTIONS IN FIRST CLASS CITIES.

AN ACT relating to elections in first class cities having a population in excess of 100,000 and not greater than 150,000, as shown by the 1940 census of the United States, and repealing inconsistent acts.

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

SECTION 1. Candidates for office in cities of the first class having a population in excess of one hundred thousand (100,000) and not greater than one hundred fifty thousand (150,000), as shown by the 1940 census of the United States, shall be nominated at primary elections to be held in such cities on the second Tuesday in February preceding the general election at which such offices will be filled: *Provided*, That the two candidates receiving the highest number of votes cast for each office to be filled shall be the nominees and their names shall appear on the ballot to be voted upon at said general election.

Elections in
first class
cities.

SEC. 2. All acts or parts of acts in conflict herewith are, to the extent of such conflict, repealed.

Passed the House February 13, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 61.

[H. B. 381.]

CLASS A COUNTIES---PURCHASING AGENTS.

AN ACT authorizing County Commissioners of Class A counties to purchase supplies and equipment and contract for public works for all county departments, requiring said purchases and contracts to be let after calling for bids and publishing of specifications, authorizing the appointment of a county purchasing agent and for other purposes.

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

County purchases.

SECTION 1. In any Class A county, the Board of County Commissioners shall contract on a competitive basis for all public works and purchase on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the Board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to the provisions of section 47, chapter 187, Laws of 1937 (section 6450-47, Remington's Revised Statutes, also Pierce's Perpetual Code 610-21), or section 4, chapter 82, Laws of 1943 (section 6450-34, Rem. Supp. 1943, also Pierce's Perpetual Code 605-5).

Procedure.

SEC. 2. No contract or purchase shall be entered into or made by any Board of County Commissioners or by any elected or appointed officer of such county until after bids have been submitted to the Board of County Commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the Clerk of the Board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done or material, equipment or service to be purchased, and that specifications therefor may be seen at the office of the Clerk of the Board, shall be published in the county official news-

paper. Such advertisement shall be published not less than one time and as many additional publications as shall be determined by the Board, and the time within which bids shall be received, shall be not less than five (5) days after the last publication. Such bids shall be in writing and shall be filed with the Clerk and shall be opened and read in public at a meeting of the Board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection. The contract for said public work or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased. Any or all bids may be rejected for good cause. In the letting of any contract or purchase involving less than one thousand dollars (\$1,000), advertisement and competitive bidding may be dispensed with on order of the Board of County Commissioners: *And provided further*, That notice of intention to let contracts or to make purchases involving amounts exceeding one hundred dollars (\$100) and less than one thousand dollars (\$1,000), shall be posted by the Board of County Commissioners on a bulletin board in its office not less than three (3) days prior to making such purchase or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three (3) months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized in so far as possible.

SEC. 3. The Board of County Commissioners shall appoint a county purchasing agent who shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional or governmental plant or agency, and who shall be placed under such bond as the Board may require. The Board may establish a central storeroom or storerooms in charge of the County Purchasing Agent in

which supplies and equipment may be stored and issued upon proper requisition by department heads. The Purchasing Agent shall be responsible for maintaining perpetual inventories of supplies and equipment and shall at least yearly, or oftener when so required by the Board, report to the County Commissioners a balancing of the inventory record with the actual amount of supplies or equipment on hand.

Inventories.

Report.

Effective immediately.

SEC. 4. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the Board of County Commissioners declaring the existence of such emergency and reciting the facts constituting the same, the Board may waive the requirements of this act with reference to any purchase or contract.

Passed the House March 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 62.

[S. B. 62.]

COUNTY HOSPITALS.

AN ACT relating to and regulating the operation of county hospitals and amending section 8, chapter 174, Laws Extraordinary Session, 1925.

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

Amendments.

SECTION 1. That section 8, chapter 174, Laws Extraordinary Session, 1925, be amended to read as follows:

Section 8. Patients shall be admitted to such hospitals in accordance with the rules to be established by the Board of County Commisisoners, but such rules shall provide that preference in the admission

of patients shall be given to those unable to pay for their care in private institutions. Whenever a patient has been admitted to such hospital from the county in which the hospital is situated, the Superintendent shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives legally liable for his support, are able to pay for his treatment in whole or in part, an order shall be made directing such patient, or said relatives to pay to the County Treasurer for the support of such patient, a specified sum per week, in proportion to their financial ability, but such sum shall not exceed that charged by private hospital of similar size in the county for service of like character. The County Commissioners shall have the power and authority to collect such sum from said patient or his estate, or from his relatives legally liable for his support. If the Superintendent finds that such patient, or said relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, said patient shall be admitted free of charge.

Payment
by patients
in county
hospitals.

Passed the Senate March 1, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 63.

[S. B. 103.]

PUBLIC WORKS—WAGES.

AN ACT relating to public works, providing for the payment of the prevailing rate of wage, and providing penalties for its violation.

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

SECTION 1. The hourly wages to be paid to laborers, workmen or mechanics, upon all public

Hourly
wages on
public
works.

works of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. This act shall not apply to workmen or other persons regularly employed on monthly or per diem salary by the state, or any county, municipality, or political subdivision created by its laws.

Contracts
must
provide.

SEC. 2. The specifications for every contract for the construction, reconstruction, maintenance or repair of any public work to which the state or any county, municipality, or political subdivision created by its laws is a party, shall contain a provision stating the hourly minimum rate of wage, not less than the prevailing rate of wage, which may be paid to laborers, workmen or mechanics in each trade or occupation required for such public work employed in the performance of the contract either by the contractor, sub-contractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract, and the contract shall contain a stipulation that such laborers, workmen or mechanics shall be paid not less than such specified hourly minimum rate of wage.

Prevailing
wage.

SEC. 3. *Definitions.*

(a) The "prevailing rate of wage," for the intents and purposes of this act, shall be the rate of hourly wage and overtime paid in the locality, as hereinafter defined, to the majority of workmen, laborers, or mechanics, in the same trade or occupation. In the event that there is not a majority in the same trade or occupation paid at the same rate, then the average rate of hourly wage and overtime paid to such laborers, workmen or mechanics in the same trade or occupation shall be the prevailing rate. If the wage paid by any contractor or sub-contractor to laborers, workmen or mechanics on

any public work is based on some period of time other than an hour, the hourly wage for the purposes of this act shall be mathematically determined by the number of hours worked in such period of time.

(b) The "locality" for the purposes of this act shall be the largest city in the county wherein the physical work is being performed. Locality.

SEC. 4. Before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a contract for a public improvement, it shall be the duty of the State Treasurer, or of the Treasurer of the county or municipal corporation, or other officer or person charged with the custody and disbursement of the state or corporate funds, applicable to the contract under and pursuant to which payment is made, to require the contractor and each and every sub-contractor from the contractor or a sub-contractor, to file a statement in writing in form satisfactory to such officer, certifying the rate of hourly wage paid each classification of laborers, workmen or mechanics employed by him upon such work, and further certifying that no laborer, workman or mechanic employed by him upon such public work has been paid less than the prevailing rate of wage or less than the minimum rate of wage specified in the contract, which certificate and statement so to be filed shall be verified by the oath of the contractor or sub-contractor, as the case may be, that he has read such a statement and certificate subscribed by him and knows the contents thereof, and that the same is true to his knowledge. Report
before
payments.

SEC. 5. Any contractor or sub-contractor who shall upon his oath verify any statement required to be filed under this act which is known by him to be false, or is made without knowledge in reckless disregard of the truth, shall be guilty of perjury in Penalty:

the second degree and shall be punished as provided in section 101, chapter 249, Laws of 1909 (section 2353, Remington's Revised Statutes).

Disputes,
how
adjusted.

SEC. 6. Such contract shall contain a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature and such dispute cannot be adjusted by the parties involved, the matter shall be referred for arbitration to the Director of the Department of Labor and Industries of the state and his decision therein shall be final and conclusive and binding on all parties involved in the dispute.

Partial
invalidity.

SEC. 7. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed the Senate March 1, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 64.

[S. B. 8.]

FOX ISLAND BRIDGE.

AN ACT granting the Board of County Commissioners of Pierce County, State of Washington, the power to build a bridge across the navigable waters of Hale's Passage in Puget Sound at the most feasible point connecting Fox Island and the mainland, to acquire rights of way, easements, approaches, make soundings, prepare estimates, plans and specifications, and authorizing them to expend moneys from the general funds of Pierce County for said purposes.

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

SECTION 1. The Board of County Commissioners of Pierce County is hereby authorized to build a bridge across the navigable waters of Hale's Passage in Puget Sound at the most feasible point connecting Fox Island and the mainland.

Hale's
Passage
bridge.

SEC. 2. The Board of County Commissioners of Pierce County is hereby authorized to expend from the General Funds of Pierce County such moneys as may be necessary toward the construction of said bridge; to acquire rights-of-way, easements, approaches, and franchises, to make soundings, prepare estimates, plans and/or specifications, and to do all things necessary in the building of said bridge and approaches.

Powers of
County
Commis-
sioners.

Passed the Senate February 13, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 65.

[S. B. 110.]

AMBULANCES.

AN ACT relating to ambulances; prescribing certain qualifications for the drivers thereof and certain standard equipment therefor; and declaring penalties for violations thereof.

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

Ambulance drivers must take first aid.

SECTION 1. A. The drivers of all ambulances shall be required to take the advanced first aid course as prescribed by the American Red Cross.

B. All ambulances must be at all times equipped with first aid equipment consisting of leg and arm splints and standard twenty-four (24) unit first aid kit as prescribed by the American Red Cross.

Penalty.

SEC. 2. Any person violating any of the provisions herein shall be guilty of a misdemeanor.

Passed the Senate February 19, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 66.

[S. B. 232.]

TUBERCULOSIS HOSPITALS.

AN ACT relating to tuberculosis hospitalization by counties; and amending sections 1 to 7, inclusive, chapter 162, Laws of 1943 (sections 6113-1 to 6113-7, inclusive, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-1 to -15).

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

Amendments.

SECTION 1. Section 1, chapter 162, Laws of 1943 (section 6113-1, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-1), is amended to read as follows:

Section 1. Tuberculosis is a communicable disease and hospitalization and segregation of active cases of

tuberculosis represents the basic step in the control of this disease and the conquest of a major health problem. In order effectively to carry on such work, the Board of County Commissioners of each county in the state shall annually budget and levy a tax in a sum equal to six-tenths (.6) of a mill on the assessed valuation of the taxable property in the county, this sum shall be used for hospitalization of tuberculosis patients: *Provided*, That if any county has an unexpended balance from such levy, over and above the amount required for adequate hospitalization of all tuberculosis cases within the county, the Board of County Commissioners may budget and reappropriate the same for tuberculosis hospitalization for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the County Health Department for use in furtherance of tuberculosis case-finding, or other disease prevention or control. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with tuberculosis hospitalization, shall be placed in the county treasury in a special fund to be known as the Tuberculosis Hospitalization Fund, and obligations incurred for tuberculosis hospitalization shall be paid from said fund by the County Treasurer in the same manner as general county obligations are paid. The County Auditor shall furnish to the Board of County Commissioners and the State Department of Health a monthly report of receipts and disbursements in the Tuberculosis Hospitalization Fund, which report shall also show balances of cash on hand.

Hospitaliza-
tion of
tuberculosis
patients.

Maintenance
funds.

Report.

SEC. 2. Section 2, chapter 162, Laws of 1943 (section 6113-2, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-3), is amended to read as follows:

Amend-
ments.

Section 2. In order to provide necessary funds for adequate care of tuberculosis patients in counties having a large incidence of tuberculosis, there is

Equalization
fund.

hereby created a State Tuberculosis Equalization Fund which shall be apportioned and expended under the direction of the State Director of Health to provide state aid to counties in which the sum equal to six-tenths (.6) mill is not sufficient to provide adequate tuberculosis hospitalization. Payments from the Equalization Fund shall be authorized only after the County Tuberculosis Hospitalization Fund has been exhausted, and shall be made by warrant of the State Auditor to individual counties upon vouchers of the State Department of Health. Upon receipt of such warrant the amount thereof shall be paid into the County Tuberculosis Hospitalization Fund and disbursed in the same manner as county funds are disbursed therefrom.

Amend-
ments.

SEC. 3. Section 3, chapter 162, Laws of 1943 (section 6113-3, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-5), is amended to read as follows:

Control over
budget.

Section 3. Not less than forty (40) days prior to the time county budgets are finally approved and adopted by the Board of County Commissioners, each county in the state shall be required to submit its proposed tuberculosis hospitalization budget to the State Director of Health. He shall consider said proposed budget and return it to the Board of County Commissioners with his recommendations within thirty (30) days of its receipt by him. If the Board of County Commissioners fails to change its proposed budget in accordance with said recommendations and incorporate the same in the budget as finally adopted, the State Director of Health shall have the power to withhold from such county all or any part of the State Equalization Funds as he shall deem proper.

Amend-
ments.

SEC. 4. Section 4, chapter 162, Laws of 1943 (section 6113-4, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-7), is amended to read as follows:

Section 4. There shall be in all counties maintaining, either singly or jointly, tuberculosis hospitals a medical director who shall be the administrator of the hospital. In case the medical director is a part-time employee then the medical director or district health officer may be appointed administrator.

Medical director.

SEC. 5. Section 5, chapter 162, Laws of 1943 (section 6113-5, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-9), is amended to read as follows:

Amendments.

Section 5. All arrangements for hospital care, tuberculosis case-finding and post hospital public health follow-up of known cases of tuberculosis shall be the responsibility of the county or district health officer, except that it may be the responsibility of the city health officer in each city of the first class. Such officers shall also have the responsibility of determining the financial circumstances of patients admitted to tuberculosis hospitals and in so doing shall be entitled to the assistance of the medical director and the County Welfare Department.

Duties of health officer.

SEC. 6. Section 6, chapter 162, Laws of 1943 (section 6113-6, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-11), is amended to read as follows:

Amendments.

Section 6. The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to county or joint-county or private sanatoria, hospitals or nursing homes shall be upon application to the County Health Officer. Medical reports on the condition of such patients shall be submitted to the health department of the county maintaining the patient's support by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the State Director of Health.

Admission of patients.

SEC. 7. Section 7, chapter 162, Laws of 1943 (section 6113-7, Rem. Supp. 1943, also Pierce's Perpetual Code 804t-13), is amended to read as follows:

Amendments.

Construction
of act.

Section 7. Except as otherwise herein provided this act shall not be construed to amend, repeal, or in any wise modify the provisions of chapter 172, Laws of 1913, as amended by chapter 80, Laws of 1915 and chapter 35, Laws of 1919 (secs. 6114 to 6128, incl., Rem. Rev. Stat., secs. 5379 to 5394, incl., Pierce's Code) or of chapter 86, Laws of 1935 (secs. 6130-1 to 6130-19, incl., Rem. Rev. Stat., secs. 2746-41 to 2746-59, incl., Pierce's Code.)

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 67.

[S. B. 165.]

HUNTING AND FISHING LICENSES.

AN ACT relating to game; and requiring deputized persons to charge an additional fee for issuing state or county game or fishing licenses.

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

Game
license fees
for deputies.

SECTION 1. Any person, firm or corporation who may be deputized by the Director of Game to issue state licenses for hunting, fishing, trapping, practicing taxidermy, or dealing in furs, as authorized by section 38, chapter 178, Laws of Extraordinary Session, 1925, and as last amended by section 1, chapter 124, Laws of 1935 (section 5922, Remington's Revised Statutes, also PPC 590-1), shall charge the sum of twenty-five cents (25¢) (in addition to collecting the fees prescribed by law), for issuing such a license, which sum shall be retained by such deputized person, firm or corporation for his services.

SEC. 2. Any person, firm or corporation who may be deputized by the Director of Game to issue county

fishing and hunting licenses shall charge the sum of fifteen cents (15¢) (in addition to collecting the fee prescribed by law), for issuing such a license, which sum shall be retained by such person, firm or corporation for his services.

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 68.

[S. B. 230.]

TUBERCULOSIS PATIENTS.

AN ACT relating to the care of persons suffering from tuberculosis; and amending section 2, chapter 172, Laws of 1913 (section 6115, Remington's Revised Statutes, also Pierce's Perpetual Code 804-13).

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

SECTION 1. Section 2, chapter 172, Laws of 1913 (section 6115, Remington's Revised Statutes, also Pierce's Perpetual Code 804-13), is amended to read as follows:

Amend-
ments.

Section 2. When the Board of Commissioners shall have determined to establish a hospital for the care and treatment of persons suffering from tuberculosis and shall have acquired a site therefor and shall have awarded contracts for the necessary buildings and improvements thereon, it may appoint three citizens of the county, only one of whom may be a physician, who shall constitute the Board of Managers of said hospital. The term of office of each member of said Board shall be three years, and the term of one of such Managers may expire annually, the first appointments shall be made for the respective terms of three, two and one years: *Provided*, That when a county has established or shall maintain a hospital of three hundred beds or more for the

Tuberculosis
hospital
managers.

Board
membership.

Term.

Vacancy.

care of persons suffering from tuberculosis the Board of County Commissioners of said county, within forty-five days after the establishment of such hospital or within forty-five days after the effective date of this act, if such hospital be presently existing, shall appoint five public-spirited citizens of the county who with the County Health Officer and the health officer of the city of the first class as herein-after provided, shall constitute the Board of Managers of said hospital. Not more than two members of the appointed Board of Managers may be physicians. One member shall be a physician selected from a list of not less than three physicians recommended by the County Medical Society: *Provided further*, That if the county contains one or more cities of the first class, two members of the Board of Managers shall be selected by the Board of County Commissioners from a list of not less than five public-spirited citizens recommended by the City Council of the largest first class city in the county. The term of office of each member of such Board of Managers shall be three years. The first appointments shall be as follows: One member for one year, two members for two years, two members for three years. In addition to the five members appointed by the Board of County Commissioners, the County Health Officer and the health officer of the largest first class city in the county, if there be one, shall be ex-officio members of the Board of Managers. Appointments of successors shall be made within forty-five days after the occurrence of any vacancy and shall be for the full term of three years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause shall be made for the unexpired term. Failure of any member to attend four consecutive meetings of the Board shall cause a vacancy in his office, unless said absence is excused by formal action of the Board of Managers.

Within fifteen days after the appointment, the members of the Board of Managers shall qualify by taking the usual county oath of office and shall meet and organize. The Board shall elect from among its members a president. The Board shall meet at the hospital at least once every month and may meet at other times on call of the president upon due notice being given of the time, place and purpose of the meeting. Meetings.

The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited and paid in the same manner as the other expenses of the hospital. No manager shall be removed from office except for cause shown and after a public hearing on charges reduced to writing. A copy of said charges and the verdict thereon shall be filed with the County Auditor. Expenses.

During the first week in January of each year the Board of Managers shall make a report to the Board of County Commissioners of such county covering the operation of the hospital and receipts and expenditures during the preceding calendar year. Report.

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 14, 1945.

CHAPTER 69.

[H. B. 27.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies other than mutual savings banks; providing for separate accounts for savings deposits and the repayment thereof; and for the posting and establishment of rules and regulations; amending section 1, chapter 93, Laws of 1935 (section 3244a of Remington's Revised Statutes, also Pierce's Perpetual Code 309-53).

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

Amend-
ments.

SECTION 1. That section 1, chapter 93, Laws of 1935 (section 3244a of Remington's Revised Statutes, also Pierce's Perpetual Code 309-53), is amended to read as follows:

Rules and
regulations
of banks.

Section 1. That any bank or trust company which shall conduct a savings account department shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall be prescribed by the directors of any such bank or trust company and may contain provisions with respect to the terms and conditions upon which any such savings account will be maintained by said bank or trust company. Such regulations shall be posted in a conspicuous place in a room where the savings account business of any such bank or trust company shall be transacted and shall be available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. A pass book shall be issued to each savings account depositor covering such deposits, in which shall be entered each deposit by and each payment to such depositor, and no payment or checks against any savings account shall be made unless accompanied by and entered in the pass book issued therefor, except for

good cause and assurance satisfactory to the corporation.

Passed the House January 31, 1945.

Passed the Senate March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 70.

[H. B. 28.]

SAFE-KEEPING OF COLLATERAL, CITIES AND COUNTIES.

AN ACT relating to the safe-keeping 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 and defining the rights, duties and obligations of such trustees; amending section 1, chapter 186, Laws of 1929, as amended by section 1, chapter 18, Laws of 1941 (section 5574-1, Remington's Revised Statutes, also Pierce's Perpetual Code 789-1).

B. it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1, chapter 186, Laws of 1929, as amended by section 1, chapter 18, Laws of 1941 (section 5574-1, Remington's Revised Statutes, also Pierce's Perpetual Code 789-1), be amended to read as follows:

Section 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 may elect, by the giving of written notice to the treasurer of such city, county, or town to designate a trust company or bank exercising trust powers located without the state as trustee under the terms

Amendments.

Trustee of pledged funds.

Approval.

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 character of the bonds or securities pledged, shall all be subject to the approval of the Mayor and the Comptroller or Town Clerk, in the case of cities and towns, and of the County Treasurer in the case of counties.

Passed the House February 1, 1945.

Passed the Senate March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 71.

[H. B. 28.]

SAFE KEEPING OF COLLATERAL—STATE TREASURER.

AN ACT relating to the safe keeping of bonds and securities pledged to the State Treasurer by state depositories of public funds; providing for the designation of a trustee for the safekeeping thereof and defining the rights, duties and obligations of such trustee.

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

SECTION 1. Every state depository qualified to receive any state moneys on deposit, having bonds or securities pledged or to be pledged by it with the State Treasurer as collateral for the payment on demand of all such moneys deposited with it, may, by written notice, request the State Treasurer 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 said depository may, by written notice

request the State Treasurer, to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of this enactment 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 character of the bonds or securities pledged, shall all be subject to the approval of the State Treasurer.

Trustee of
pledged
funds to
state.

SEC. 2. The receipt of the trustee describing the securities held and the purpose, terms and conditions of such holding, shall be issued by the trustee in duplicate, and one of such duplicates shall be delivered to the State Treasurer to whom such securities are pledged, and one of such duplicates shall be delivered to the depository by whom such bonds or securities are pledged. Such receipt shall be accepted by all public officers of the State of Washington as *prima facie* evidence of the facts therein stated.

Receipt of
trustee.

SEC. 3. In the event of the insolvency or closing of the bank depositing such bonds or securities, the trustee shall, upon demand, deliver the same to the State Treasurer and prior to any default of the depository the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited the interest coupons thereof and deliver the same, on demand, to the depository by whom they were deposited.

Insolvency.

SEC. 4. The charges or compensation of the trustee for keeping such securities shall be a charge against and shall be paid by the depository and shall not be chargeable to the state as pledgee nor to the Treasurer thereof, nor shall such charges or com-

Charges.

penetration be a lien upon the bonds or securities in its custody.

Trustee cannot keep own funds.

SEC. 5. No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depository of state funds; *Provided, however,* That nothing herein shall prevent the State Treasurer from keeping under his sole control in a safe, or safe deposit box in the vault of any bank or trust company, bonds or securities pledged by said bank or trust company as a depository of state funds.

Passed the House March 5, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 72.

[H. B. 30.]

PROBATE—DESCENT OF PROPERTY.

AN ACT relating to the descent of property, the computation of the degree of kindred, the right to inherit amongst kindred of the half blood except in cases where the inheritance came to the intestate from an ancestor, and excluding those not of the blood of such ancestor; and amending section 1347, Remington's Revised Statutes, also Pierce's Perpetual Code 199-17.

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

Amendments.

SECTION 1. Section 1347, Remington's Revised Statutes, also Pierce's Perpetual Code 199-17, is amended to read as follows:

Inheritance by kindred of the blood.

Section 1347. The degree of kindred shall be computed according to the rules of the civil law, and the kindred of the half blood shall inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the intestate by descent, devise, or gift from one of his ancestors, or kindred of such ancestor's blood, in which case all

those who are not of the blood of such ancestors shall be excluded from such inheritance: *Provided, however,* That the words "kindred of such ancestor's blood" and "blood of such ancestors" shall be construed to include any child lawfully adopted by one who is in fact of the blood of such ancestor.

Passed the House February 6, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 73.

[H. B. 32.]

COUNTY DEPOSITARIES.

AN ACT relating to the deposit of public funds in banks by the several County Treasurers of this state; amending section 2, chapter 51, Laws of 1907, as amended by section 1, chapter 15, Laws of 1909, as amended by section 3, chapter 87, Laws of 1931, as amended by section 3, chapter 45, Laws of the Extraordinary Session 1933 (section 5563 of Remington's Revised Statutes, also Pierce's Perpetual Code 493-39).

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

SECTION 1. That section 2, chapter 51, Laws of 1907, as amended by section 1, chapter 15, Laws of 1909, as amended by section 3, chapter 87, Laws of 1931, as amended by section 3, chapter 45, Laws of the Extraordinary Session 1933 (section 5563, Remington's Revised Statutes, also Pierce's Perpetual Code 493-39), be amended to read as follows:

Section 2. Before any such designation or designations shall become effectual and entitle the said Treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after such designation or designations have been filed, file with the County Clerk of such county a surety bond to such County Treasurer, properly executed by some reliable surety company qualified

Amend-
ment.

Bonds of
bank
depositories.

under the laws of the state to do business therein, except as herein otherwise provided, in the maximum amount of deposits designated by said Treasurer to be carried in such bank or banks, conditioned for the prompt and faithful payment thereof on checks drawn by such Treasurer, which bond must be approved by the chairman of the Board of County Commissioners, the Prosecuting Attorney and the County Treasurer, or any two of such officers of said county, before being filed with the County Clerk, and unless so approved, the same shall not be received or filed by the County Clerk: *Provided*, That said depository or depositaries may deposit with the County Treasurer in lieu of the surety bond herein provided for, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than one hundred and ten per cent of the amount of the funds deposited by said Treasurer:

Security.

Types.

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States.

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

(3) 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. In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds this provision with reference to the limit of the amount to be deposited in any one depository may be waived by the County Finance Committee: *And provided*

further, That in the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such Treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities in lieu of such bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Deposit
when bank
insured.

Passed the House February 26, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 74.

[H. B. 92.]

ELECTIONS—REGISTRATION.

AN ACT relating to registration of voters, increasing the fees of registrars of rural precincts from ten (10) to fifteen (15) cents for each person registered, and amending section 28, chapter 1, Laws of 1933 (section 5114-28, Remington's Revised Statutes, also Pierce's Perpetual Code 531-55).

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

SECTION 1. Section 28, chapter 1, Laws of 1933 (section 5114-28 Remington's Revised Statutes, also Pierce's Perpetual Code 531-55), is amended to read as follows:

Amend-
ments.

Section 28. Each deputy registration officer of a precinct outside the corporate limits of any city or town shall be entitled to receive a fee of fifteen (15)

Fees of
registration
officers.

cents for each elector registered. This fee shall be paid by warrant drawn on the County Treasurer by order of the Board of County Commissioners: *Provided*, That no employee of the county receiving a salary shall be entitled to such fees. The compensation of registrars of cities and towns shall be provided by the governing body of such cities or towns, respectively.

Passed the House February 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 75.

[H. B. 120.]

TRANSFERS OF FRANCHISES.

AN ACT relating to the regulation of transfers of franchises, properties and facilities of public service companies, exempting from such regulation transfers to public utility districts and amending section 2, chapter 159, Laws of 1941 (sec. 10440-b, Rem. Supp. 1941, also Pierce's Perpetual Code 825-3).

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

Amend-
ments.

SECTION 1. Section 2, chapter 159, Laws of 1941 (section 10440-b, Rem. Supp. 1941, also Pierce's Perpetual Code 825-3), is amended to read as follows:

Transfers
of public
utility
franchises.

Section 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, and no public service company shall, 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: *Provided*, That this section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a public utility district.

Passed the House February 8, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 76.

[H. B. 227.]

COMMERCIAL MOTOR VEHICLE SAFETY DIVISION.

AN ACT relating to the safety of operation of vehicles upon the public highways and prescribing the duties of certain state officers.

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

SECTION 1. There shall be created in the "Washington State Patrol" a division to be known as the "Commercial Motor Vehicle Safety Division," which division shall be under the control of the "Chief of the Washington State Patrol" who, in addition to such other duties as may be imposed upon him by law, shall have exclusive jurisdiction over the safety of operation of all motor vehicles and the drivers of all such vehicles engaged in the transportation of persons or property in any commercial enterprise upon the public highways of this state. The "Chief of the Washington State Patrol" shall appoint the necessary qualified personnel to carry out the provisions of this act.

Creation of
Motor Safety
Division.

SEC. 2. It shall be the duty of the "Commercial Motor Vehicle Safety Division" to cooperate with and aid similar agencies and officers of the various states and the Federal Government, and particularly the Interstate Commerce Commission, appointed to

Duties.

similar responsibilities and duties within their respective jurisdictions.

Recommendations.

SEC. 3. It shall be the duty of the "Commercial Motor Vehicle Safety Division" to make a study of the present motor carrier safety regulations established under the laws of this state and the Federal Government in order that the "Chief of the Washington State Patrol" may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the motor vehicle safety regulations of the Federal Government and this state.

Rules.

SEC. 4. The "Chief of the Washington State Patrol" shall make such rules and regulations as may be necessary to carry out the purposes of this act: *Provided, however,* That his authority in that respect and in the administration of this act shall be limited to the scope of the highway safety regulations established by the Federal Government under the Interstate Commerce Act.

Passed the House February 15, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 77.

[H. B. 250.]

CLAIMS AGAINST STATE OR MUNICIPALITIES—
NOTARIAL SEAL DISPENSED WITH

AN ACT relating to claims for services, materials or merchandise furnished the state government and political sub-divisions thereof; dispensing with notarial acknowledgment on such claims; defining crimes and prescribing penalties.

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

SECTION 1. It shall not be necessary in filing any claim for services, materials or merchandise furnished the State of Washington or any of its political sub-divisions that the claim shall be signed and sworn to before a notary public: *Provided*, That no such claim shall be filed or paid unless the claimant shall sign a statement that the services, materials or merchandise has been furnished and that the claim is just, due and unpaid. Any person signing such statement which is false or untrue shall be deemed guilty of second degree perjury.

Acknowledg-
ment of
claims
against state.

Passed the House February 17, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 78.

[H. B. 274.]

OPTOMETRY.

AN ACT relating to the practice of optometry; providing for the regulation thereof; making certain acts unlawful, and amending section 7, chapter 144, Laws of 1919, as amended by section 1, chapter 134, Laws of 1935 (section 10152, Remington's Revised Statutes, also Pierce's Perpetual Code 766-11).

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

Amend-
ments.

SECTION 1. Section 7, chapter 144, Laws of 1919, as amended by section 1, chapter 134, Laws of 1935 (section 10152, Remington's Revised Statutes, also Pierce's Perpetual Code 766-11), is amended to read as follows:

Section 7. It shall be unlawful for any person:

Practice of
optometry
regulated.

1. To sell or barter, or offer to sell or barter any certificate of registration issued by the Optometry Board; or

Defined.

2. To purchase or procure by barter any certificate of registration with the intent to use the same as evidence of the holder's qualification to practice optometry; or

3. To alter with fraudulent intent in any material regard such certificate of registration; or

4. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered as a valid certificate of registration; or

5. To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the accused has no connection: *Provided*, Nothing in this act nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist

who may transfer by inheritance or otherwise the right to use such name; or

6. To wilfully make any false statements in material regard in an application for an examination before the optometry board, or for a certificate of registration; or

7. To practice optometry in this state without having at the time of so doing a valid unrevoked certificate of registration, or other permit, issued by the Optometry Board of this state, and properly recorded as provided in this act; or

Practice prohibited without certificate.

8. To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eye-glasses, spectacles, lenses or frames; or

9. To use drugs in the examination of eyes; or

10. To use advertising, whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trade mark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

Advertising.

11. To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

Types of advertising prohibited.

12. To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent

to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

Advertising of charges prohibited.

13. To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

14. To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

15. To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time.

Passed the House February 27, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 79.

[H. B. 486.]

TIDELANDS—WASHINGTON VETERANS' HOME.

AN ACT relating to the war effort; authorizing the Director of Finance, Budget and Business and the Director of Highways to enter into an agreement with the United States whereby a portion of the tidelands in front of the Washington Veterans' Home at Retsil, Washington, may be improved and occupied by the United States Navy for the duration of the war and for a period of six months thereafter, and whereunder an access road may be constructed thereto; and declaring an emergency.

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

SECTION 1. The Director of Finance, Budget and Business and the Director of Highways are hereby authorized to enter into an agreement whereunder the United States Government, or any of its departments or agencies may improve and the United States Navy may occupy a portion of the tide lands in front of the Washington Veterans' Home at Retsil for the period of the duration of the war and six (6) months thereafter, and whereby a military access road may be constructed across the lands of the Washington Veterans' Home to the aforesaid tide lands occupied by the United States under such agreement.

Improvement
of tidelands
at Retsil
Home.

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

Effective
immediately.

Passed the House March 2, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 80.

[S. H. B. 1.]

PUBLIC ASSISTANCE.

AN ACT relating to the payment of blind grants, aid to dependent children grants, general assistance, and declaring an emergency.

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

Blind grants
medical
assistance.

SECTION 1. The Department of Social Security shall provide for recipients of blind grants free choice of doctor and dentist as far as possible on the same basis as is now provided for recipients of Senior Citizens under section 15, chapter 1, Laws of 1941, (section 9998-48, Remington's Revised Statutes, also Pierce's Perpetual Code 921-29) and shall provide free choice of doctor and dentist for recipients of aid to dependent children grants wherever feasible and whenever such recipients are actually in need of such care: *Provided*, That recipients of blind grants, aid to dependent children grants, and general assistance grants shall be provided with free medicine and appliances on the same basis as is now being provided for Senior Citizens.

Budgetary
guide for
blind
assistance.

SEC. 2. The same budgetary guide used to determine the need of Senior Citizens under chapter 7, Laws of 1945, shall be used by the Department of Social Security to determine the eligibility of applicants for and recipients of aid to dependent children grants, blind grants, and general assistance: *Provided*, That in determining the size of the grant the income of applicant or recipient from other sources shall be deducted from the need of the applicant or recipient: *Provided further*, That all terms and conditions established in chapter 7, Laws of 1945, shall apply in determining the size and the payment of the grant awarded to any applicant for or recipient of a blind grant.

SEC. 3. All applicants for or recipients of aid to dependent children grants, blind grants, and general assistance shall be entitled to a fair hearing under the terms and conditions established for fair hearings for Senior Citizens under sections 7, 8 and 9, chapter 1, Laws of 1941, (sections 9998-40, 9998-41 and 9998-42, Remington's Revised Statutes, also Pierce's Perpetual Code 921-13-15-17). Hearings on grants.

SEC. 4. All acts or parts of acts in conflict herewith are repealed.

SEC. 5. This act is necessary for the preservation of the state government and its existing institutions and shall take effect May 1, 1945. Effective May 1, 1945.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 81.

[H. B. 52.]

PREDATORY ANIMALS.

AN ACT relating to predators and game; prescribing the powers and duties of certain officials relating thereto; prescribing penalties; repealing chapter 59, Laws of 1935, chapter 63, Laws of 1937, and chapter 64, Laws of 1939; making an appropriation; and declaring an emergency.

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

SECTION 1. Efforts to rid the state of predatory animals through payment of statutory bounties fixed for the state at large have proved unavailing and it has been found that predation is rapidly increasing in many areas of this state wherein resultant damage has occurred to wild game, domestic herds, birds and flocks. In order to adequately assure the control of predatory animals and birds throughout the state

Predatory
game
control.

to a point where their damage to wild game, domestic herds, birds, flocks and insectivorous bird life will be negligible and particularly in areas wherein greater damage is being done, the State Game Commission shall have the power and it shall be its duty from time to time to promulgate, adopt, amend or repeal, and enforce reasonable rules and regulations designating the time and areas in this state wherein hunting, trapping, taking or killing of predatory animals and birds may be carried on for payment of bounty by the state and determining the amount of such bounty within the limitations and in accordance with the provisions hereinafter set forth.

Bounties.

Hunting of
predatory
game.

SEC. 2. Any resident holder of a state or county hunting and fishing license may hunt, trap, take or kill cougar, lynx, bobcat, coyote, or any other animal or bird classified as predatory in any area and at such time so designated, and may present for payment of bounty such animal or bird to the Director of Game or to any person designated by the Director of Game as being qualified to check bountied predators: *Provided*, That any citizen of the United States under the age of sixteen (16) years who has been an actual resident of the State of Washington for the preceding six (6) months will not be required to hold a state or county hunting and fishing license to comply with this act.

Rules
provided for.

SEC. 3. Whenever any holder of a state or county hunting and fishing license shall hunt, trap, take or kill any cougar, lynx, bobcat, coyote, or any other animal or bird classified by the State Game Commission as a predator, and shall furnish proof thereof in accordance with the rules and regulations established by the State Game Commission for furnishing such proof, he may be paid a bounty in such amount as may be specified by the rules and regulations of the State Game Commission for the predator hunted, trapped, taken or killed under such rules and regula-

tions. Any person who desires to collect a bounty under this act shall furnish such proof and evidence of hunting, trapping, taking or killing said predator as the State Game Commission may require. If the Director of Game has reason to doubt the legality of a bounty claim he may deny the same, and in the event the bounty claim is denied by the Director of Game, the bounty claimant may appeal to the superior court of the county in which such predators or any of them were hunted, trapped, taken or killed, but the burden of proof as to his method of hunting, trapping, taking or killing and the area wherein said predator was hunted, trapped, taken or killed shall be upon the bounty claimant. Said bounties, as specified by the State Game Commission, may in no event exceed the following sums: cougar, one hundred dollars (\$100); lynx, twenty-five dollars (\$25); bobcat, twenty-five dollars (\$25); coyote, twenty dollars (\$20); coyote pup, five dollars (\$5); any other animal or bird classified by the State Game Commission as predatory, five dollars (\$5): *Provided, however,* That the State Game Commission shall have the power to fix the bounty fee on each predator in an amount less than the above specifically designated amounts: *Provided, however,* That owls shall not at any time be classed as predatory. Bounty payments will be made from any moneys which may be appropriated by the legislature for payment of the same. All moneys appropriated for such payments shall be expended under the direction of and upon vouchers approved by the Director of Game.

Proof for
bounty.

Amounts.

Owls.

SEC. 4. Before payment of such bounty, the animal or bird or such part of said predator as shall be designated by the State Game Commission shall be surrendered to the Director of Game, or person designated by the Director of Game as being qualified to check bountied predators, who shall mark

Marking of
game.

such predator or part thereof in such manner as it can be later identified and, after so marking the same, the Director of Game or designated person shall return such predator or part thereof to the person hunting, trapping, taking or killing the predator upon which the bounty is paid.

Commission may define.

SEC. 5. The State Game Commission, upon finding any animal or bird destructive to wild game, domestic herds, birds and flocks, may by rule and regulation classify the same as predatory and subject to hunting, trapping, taking or killing under the provisions of this act.

Rules, how promulgated.

SEC. 6. All rules and regulations promulgated, adopted, amended, or repealed by the State Game Commission as herein provided shall be made, promulgated and published within the provisions of section 15, chapter 3, Laws of 1933.

Big game hunting.

SEC. 7. It shall be unlawful for any person to hunt or kill any deer, elk, mountain goat, mountain sheep, or moose, without first having procured from the Director of Game a metal tag to be known as a "big game seal" which metal tag shall be procured in addition to any other license to hunt game animals required by law. Such metal tag shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, or moose. Such metal tag shall be prepared by and under the supervision of the Director of Game, and shall bear the name "Department of Game of the State of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the Director of Game, and shall be void after the year stamped thereon. Such metal tag shall be immediately attached to the carcass of any deer, elk, mountain goat, mountain sheep, or moose killed by any licensee, and the metal tag shall be properly sealed. The fee for issuing and procuring such

Rules for.

metal tag shall be fifty cents (50¢) and shall be paid in addition to all other license fees provided by law. All moneys received from the issuance or sale of metal tags as provided herein shall be paid into the State Game Fund.

SEC. 8. The Director of Game is authorized and directed, from time to time, to appoint and employ such number of persons, skilled in hunting, trapping, taking or killing predatory animals and birds, as he may deem advisable, to be known as accredited hunters, to carry on the work and control of predatory animals and birds in this state.

Deputy
hunters.

SEC. 9. All skins and specimens taken by hunters whose salaries are paid out of funds appropriated for the administration of this act shall be disposed of in such manner as the Director of Game shall determine to be for the best interest of the state: *Provided*, That if such skins or specimens are sold, the net proceeds of such sales shall be deposited to the credit of the Game Fund in the office of the Treasurer of the State of Washington.

Skins.

SEC. 10. Every person who shall give untrue or misleading information as to the time, areas or county in which the predator was hunted, trapped, taken or killed on which a bounty is being claimed shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or imprisonment in the county jail of not more than one (1) year, or by both fine and imprisonment. The Director of Game may revoke, suspend or cancel the license of any person or persons found guilty of violating the provisions of this section. Unless another penalty is specifically provided by law, any person violating or failing to comply with the rules or regulations of the State Game Commission adopted hereunder shall be guilty of a misdemeanor.

Penalty.

SEC. 11. Nothing in this act shall be deemed in derogation of the power and authority of the Director of Agriculture to cooperate with the United States Department of the Interior Fish and Wildlife Service in the control and destruction of predatory animals injurious to livestock, poultry and the public health as provided in section 1, chapter 257, Laws of 1943.

Amounts of bounty.

SEC. 12. For the purpose of facilitating the payment of bounties, no voucher therefor shall be issued in payment of the same until the aggregate bounty claim shall be not less than two dollars and fifty cents (\$2.50).

SEC. 13. The Director of Game is hereby authorized to enter into cooperative programs to control predators with sportsmen's groups, granges, or others.

Appropriation.

SEC. 14. There is hereby appropriated out of the State Game Fund for the payment of the bounties and for predator control as provided in this act for the biennium April 1, 1945, to March 31, 1947, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

Amendments.

SEC. 15. Chapter 59, Laws of 1935, chapter 63, Laws of 1937, and chapter 64, Laws of 1939, are hereby repealed.

Partial invalidity.

SEC. 16. Should any section or provision of this act be held invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than that portion so held to be invalid.

Effective immediately.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House March 6, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 82.

[H. B. 65.]

TAXATION—AD VALOREM—EXEMPTIONS.

AN Act relating to taxation, providing for the partial exemption of ships and vessels from ad valorem taxes, amending sections 1, 2 and 3, chapter 81, Laws of 1931, and designating the taxes to which this act shall apply.

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

SECTION 1. Section 1, chapter 81, Laws of 1931, is hereby amended to read as follows: Amendments.

Section 1. All ships and vessels taxable in the State of Washington, engaged in interstate commerce, foreign commerce or commerce between ports of the State of Washington and the high seas, shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose. Taxes on ships and vessels.

SEC. 2. Section 2, chapter 81, Laws of 1931, is hereby amended to read as follows: Amendments.

Section 2. All ships and vessels taxable in the State of Washington, other than those taxable under section 1 of this act, shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose and twenty per centum (20%) of taxes levied for all other purposes. Amount.

SEC. 3. Section 3, chapter 81, Laws of 1931, is hereby amended to read as follows: Amendments.

Section 3. This act shall apply to all ships, vessels and boats, irrespective of size, and to the taxes thereon becoming due and payable in the year 1946, and subsequent years. Period of tax.

Passed the House February 14, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 83.

[H. B. 73.]

COAL MINES—SANITATION.

AN ACT relating to coal mining, and amending section 84, chapter 36, Laws of 1917 (section 8719, Remington's Revised Statutes, also Pierce's Perpetual Code 742-307).

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

SECTION 1. Section 84, chapter 36, Laws of 1917 (section 8719, Remington's Revised Statutes, also Pierce's Perpetual Code 742-307), is amended to read as follows:

Section 84. Whenever sixty per cent of the employees of a coal mine in this state shall petition the operator of such mine to provide a suitable wash house for their use, free of cost to employees, such operator shall provide a suitable building which shall be convenient to the principal entrance to the mine or group of mines to be used as a wash house, changing and drying room for the employees of the mine. Such building or wash house to have sufficient floor space for the accommodation of miners or others using the same. The flooring in such wash house to be of concrete, tiling or cement, and the flooring in changing room to be optional with the owner as to the material used. Lockers or some other arrangement shall be put in the changing room for the use of employees using same, and shower baths shall be provided in the wash room, one for each twenty (20) men employed on one shift. The operator shall furnish an attendant to look after the operation, ventilation, drying of clothes, and sanitary conditions of the wash house and changing rooms.

Providing
wash house
for miners.

Size.

Exempt
mines.

This section shall not apply to mines where less than twenty (20) men are employed, or to mines

under development which are not on a permanent operating basis.

Passed the House February 14, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 84.

[H. B. 84.]

ESTRAYS.

AN ACT transferring the duties of the County Auditors relating to estrays heretofore performed by them to the County Sheriffs of the several counties, and amending certain laws thereon.

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

SECTION 1. The County Auditors of the several counties of the state are hereby directed to transfer and turn over to the County Sheriffs of their respective counties all duties "relating to estrays" and the book denominated "Record of estrays." Hereafter the County Sheriffs of the several counties of the state shall keep, maintain and continue the "Record of estrays" and shall perform and discharge all duties relating to estrays, as specifically described in sections 1 and 2, chapter 23, Laws of 1905 (sections 3154 and 3155, Remington's Revised Statutes, also Pierce's Perpetual Code 264-1 to 11-25); section 3, chapter 23, Laws of 1905, as amended by section 1, chapter 148, Laws of 1919 (section 3156, Remington's Revised Statutes); section 4, chapter 23, Laws of 1905, as amended by section 1, chapter 31, Laws of 1943 (section 3157, Remington's Revised Statutes); section 5, chapter 23, Laws of 1905, as amended by section 1, chapter 122, Laws of Extraordinary Session, 1925 (section 3158, Remington's Revised Statutes); section 6, chapter 23, Laws of 1905

Sheriff to keep record of estrays.

(section 3159, Remington's Revised Statutes); section 7, chapter 23, Laws of 1905 (section 3160, Remington's Revised Statutes); section 8, chapter 23, Laws of 1905 (section 3161, Remington's Revised Statutes); section 9, chapter 23, Laws of 1905, as amended by section 1, chapter 123, Laws of 1909 (section 3162, Remington's Revised Statutes); section 10, chapter 23, Laws of 1905 (section 3163, Remington's Revised Statutes); section 11, chapter 23, Laws of 1905, as amended by section 2, chapter 123, Laws of 1909 (section 3164, Remington's Revised Statutes); section 13, chapter 23, Laws of 1905 (section 3166, Remington's Revised Statutes).

Passed the House February 6, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 85.

[H. B. 99.]

COUNTY CURRENT EXPENSE FUND.

AN ACT relating to counties; current expense fund.

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

County
current
expense
fund.

SECTION 1. Every county shall maintain a current expense fund to which shall be credited all taxes levied for that purpose and all fees collected, fines assessed and forfeitures adjudged in the county the proceeds of which have not been specifically allocated to any other purpose.

Passed the House February 6, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 86.

[H. B. 100.]

MOTOR VEHICLES.

AN ACT extending the period of effectiveness of chapter 281, Laws of 1943, relating to transportation of persons within the state by motor vehicle; amending section 16, chapter 281, Laws of 1943, and declaring an emergency.

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

SECTION 1. Section 16, chapter 281, Laws of 1943, is amended to read as follows:

Section 16. This act shall expire six months after the final armistice between the United States and its enemies, if said period of time occurs prior to April 1, 1947. But in no event shall this act be effective after April 1, 1947.

Period of effectiveness of chapter 16, Laws 1943.

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

Effective immediately.

Passed the House February 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 87.

[S. H. B. 101.]

COMPENSATION OF COUNTY OFFICERS.

AN ACT relating to the fixing of compensation of county officers; amending section 6, chapter 148, Laws Extraordinary Session, 1925, as amended by section 3, chapter 197, Laws of 1937 (section 4200-5a, Remington's Revised Statutes, also Pierce's Perpetual Code 475-31); and repealing section 1, chapter 46, Laws of 1941 (section 4201a, Remington's Revised Statutes, also Pierce's Perpetual Code 475-33).

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

Amend-
ments.

SECTION 1. Section 6, chapter 148, Laws Extraordinary Session 1925, as amended by section 3, chapter 197, Laws of 1937 (section 4200-5a, Remington's Revised Statutes, also Pierce's Perpetual Code 475-31), is amended to read as follows:

Salaries of
county
officers.

Section 6. The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding Federal census, or as may be determined under the provisions of sections 1 to 6, inclusive, chapter 177, Laws of 1923, shall be per annum respectively as follows:

Class A counties: Auditor, Clerk, Treasurer, Attorney, Sheriff, Assessor, Superintendent of Schools, members of Board of County Commissioners, Coroner, five thousand five hundred dollars (\$5,500.00);

Counties of the first-class: Auditor, Clerk, Treasurer, Attorney, Sheriff, Assessor, Superintendent of Schools, members of Board of County Commissioners, four thousand eight hundred dollars (\$4,800.00); Coroner, one thousand eight hundred dollars (\$1,800.00);

Counties of the second-class: Auditor, Clerk, Treasurer, Sheriff, Attorney, Assessor, Superintendent of Schools, members of Board of County Com-

missioners, four thousand dollars (\$4,000.00); Coroner, one thousand four hundred dollars (\$1,400.00);

Counties of the third-class: Auditor, Clerk, Treasurer, Attorney, Assessor, Sheriff, Superintendent of Schools, members of Board of County Commissioners, thirty-six hundred dollars (\$3,600.00); Coroner, one thousand two hundred dollars (\$1,200.00);

Salaries of
county
officers.

Counties of the fourth-class: Auditor, Clerk, Treasurer, Attorney, Assessor, Sheriff, Superintendent of Schools, thirty-two hundred dollars (\$3,200.00); members of the Board of County Commissioners, thirty-two hundred dollars (\$3,200.00);

Counties of the fifth-class: Auditor, Clerk, Treasurer, Sheriff, Attorney, Assessor, Superintendent of Schools, Twenty-seven hundred dollars (\$2,700.00); members of Board of County Commissioners, twenty-four hundred dollars (\$2,400.00);

Counties of the sixth-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, twenty-five hundred dollars (\$2,500.00); Attorney, one thousand eight hundred dollars (\$1,800.00); members of Board of County Commissioners, ten dollars (\$10.00) per diem;

Counties of the seventh-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, twenty-four hundred dollars (\$2,400.00); Prosecuting Attorney, one thousand eight hundred dollars (\$1,800.00); members of the Board of County Commissioners, ten dollars (\$10.00) per diem;

Counties of the eighth-class: Auditor, Treasurer, Assessor, Sheriff, Superintendent of Schools, twenty-two hundred dollars (\$2,200.00); Prosecuting Attorney, and Clerk, each, one thousand eight hundred dollars (\$1,800.00); members of the Board of County Commissioners, ten dollars per diem;

Counties of the ninth-class: Clerk, Sheriff, Treasurer, twenty-one hundred dollars (\$2,100.00); Prosecuting Attorney and Superintendent of Schools, one thousand two hundred dollars (\$1,200.00); mem-

bers of the Board of County Commissioners, ten dollars (\$10.00) per diem.

Expenses of
county
officers.

All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the County Commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed five cents (5¢) per mile for each mile of necessary travel. In all cases where the duties of any office are greater than can be performed by the person elected to fill the same, said officer may employ, with the consent of the County Commissioners, the necessary help, who shall receive such compensation as shall be fixed by the Board of County Commissioners: *Provided*, That no deputy or clerk employed shall receive larger compensation than provided for the officer employing him.

The officer appointing such deputies or clerks shall be responsible for the acts of such appointee upon his official bond.

Acts
repealed.

SEC. 2. Section 1, chapter 46, Laws of 1941 (section 4201a, Remington's Revised Statutes, also Pierce's Perpetual Code 475-33), is hereby repealed.

Passed the House March 6, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 88.

[H. B. 103.]

PURCHASES FOR POLITICAL SUBDIVISIONS OF STATE.

AN ACT relating to political subdivisions of the state, and the purchase of supplies, materials and equipment.

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

SECTION 1. Whenever authorized by ordinance or resolution of its legislative authority any political subdivision of the state shall have power to purchase supplies, materials and/or equipment from or through the United States Government without calling for bids, notwithstanding any law or charter provision to the contrary.

Purchases of materials from the United States.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 89.

[H. B. 107.]

WORKMEN'S COMPENSATION—CHARITABLE INSTITUTIONS.

AN ACT giving workmen's compensation benefits to persons engaged in hazardous and extrahazardous occupations in charitable institutions.

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

SECTION 1. Every person employed in a hazardous and/or extrahazardous occupation by an individual, firm, association or corporation operating a charitable or non-profit institution, enterprise, business or establishment, shall be entitled to the benefits of chapter 74, Laws of 1911, and all amendments

Workmen's compensation for employees of charitable institutions.

thereto relating to compensation for injured workmen.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 90.

[H. B. 108.]

ELECTIONS—DISPOSITION OF BALLOTS.

AN ACT relating to the disposition of ballots, and amending section 3092, Code of Washington, 1881.

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

Amendments.

SECTION 1. Section 3092, Code of Washington, 1881, is amended to read as follows:

How ballots counted and strung.

Section 3092. It shall be the duty of the inspector, or one of the judges, to string the ballots at the time of counting, and after all the ballots have been counted and strung, it shall be the duty of the inspector to place them in a sealed envelope, and write thereon, "Ballots of precinct, county, State of Washington, of election held this day of, 19.....," and send said sealed envelope to the auditor of the county where said election is held, who shall keep said sealed envelope containing said ballots unopened for the period of six months, to be used only as evidence in case or cases of contest when called for, at the end of which time it shall be the duty of said county auditor to burn or make such disposition of said ballots as he may deem expedient in presence of two other county officers.

Disposal.

Passed the House February 17, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 91.

[H. B. 110.]

MOTOR VEHICLES.

AN ACT relating to vehicles and the operation thereof on public highways of this state; amending section 2a, chapter 133, Laws of 1943, and declaring an emergency.

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

SECTION 1. Section 2a, chapter 133, Laws of 1943, is amended to read as follows:

Section 2a. Section 113, chapter 189, Laws of 1937 (section 6360-113, Remington's Revised Statutes, Volume 7A), is hereby suspended during the existence of the present national emergency created by the existing war. Such suspension shall expire and be of no force and effect whatever on and after the formal termination of the existing war by the signing of a treaty of peace or by the proclamation of the President of the United States, but in no event to extend past April 1, 1947.

Effective
period of
(6360-113
Rem. R. S.)

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

Emergency
clause.

Passed the House February 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 92.

[H. B. 113.]

LIMITED PARTNERSHIPS.

AN ACT to make uniform the law relating to limited partnerships, and repealing laws in conflict herewith.

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

Limited partnership defined.

SECTION 1. (Limited Partnership Defined.) A limited partnership is a partnership formed by two (2) or more persons under the provisions of section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Formation.

SEC. 2. (Formation.) (1) Two (2) or more persons desiring to form a limited partnership shall

Certificate.

(a) Sign and swear to a certificate, which shall state

Contents.

- I. The name of the partnership,
- II. The character of the business,
- III. The location of the principal place of business,
- IV. The name and place of residence of each member; general and limited partners being respectively designated,
- V. The term for which the partnership is to exist,
- VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,
- VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,
- VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners, Contents.

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record for certificate in the office of the County Clerk of the county of the principal place of business.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

SEC. 3. (Business Which May be Carried on.) Scope of business.
A limited partnership may carry on any business which a partnership without limited partners may carry on, except (here designate the business to be prohibited).

SEC. 4. (Character of Limited Partner's Contribution.) Contributions.
The contributions of a limited partner may be cash or other property, but not services.

SEC. 5. (A Name not to Contain Surname of Limited Partner; Exceptions.) Name.
(1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

False statements.

SEC. 6. (Liability for False Statements in Certificate.) If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false.

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in section 25 (3).

Liability to creditors.

SEC. 7. (Limited Partner Not Liable to Creditors.) A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as limited partner, he takes part in the control of the business.

Admission of partners.

SEC. 8. (Admission of Additional Limited Partners.) After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 25.

Rights.

SEC. 9. (Rights, Powers and Liabilities of a General Partner.) (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

Powers.

(a) Do any act in contravention of the certificate,
 (b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

- (c) Confess a judgment against the partnership,
- (d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose, Duties of general partner.
- (e) Admit a person as a general partner,
- (f) Admit a person as a limited partner, unless the right so to do is given in the certificate,
- (g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

SEC. 10. (Rights of a Limited Partner.) (1) A limited partner shall have the same rights as a general partner to Rights of limited partner.

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 15 and 16.

SEC. 11. (Status of Person Erroneously Believing Himself a Limited Partner.) A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership: *Provided*, That on ascertaining the mistake he promptly renounces his interest in the profits of Status of mistaken person.

the business, or other compensation by way of income.

Partner
may be
general and
limited.

SEC. 12. (One Person both General and Limited Partner.) (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

Transactions
with
limited
partner.

SEC. 13. (Loans and Other Business Transactions with Limited Partner.) (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

Relations
between
limited
partners.

SEC. 14. (Relation of Limited Partners Among Themselves.) Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contribu-

tions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

SEC. 15. (Compensation of Limited Partner.) A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate: *Provided*, That after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Compensation of limited partner.

SEC. 16. (Withdrawal or Reduction of Limited Partner's Contribution.) (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

Withdrawal of contribution by limited partner.

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified

in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

Liability of limited partner to partnership.

SEC. 17. (Liability of Limited Partner to Partnership.) (1) A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation

or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before each return.

SEC. 18. (Nature of Limited Partner's Interest in Partnership.) A limited partner's interest in the partnership is personal property. Nature of limited partner's interest.

SEC. 19. (Assignment of Limited Partner's Interest.) (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he

became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 6 and 17.

Death,
retirement
of partner.

SEC. 20. (Effect of Retirement, Death or Insanity of a General Partner.) The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

SEC. 21. (Death of Limited Partner.) (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

Rights of
creditors.

SEC. 22. (Rights of Creditors of Limited Partner.) (1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this act shall be held to deprive a limited partner of his statutory exemption.

SEC. 23. (Distribution of Assets.) (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order: Distribution of assets.

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

SEC. 24. (When Certificate Shall be Cancelled or Amended.) (1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such. When certificate cancelled or amended.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes

insane, and the business is continued under section 20,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

Require-
ments for
amend-
ment.

SEC. 25. (Requirements for Amendment and for Cancellation of Certificate.) (1) The writing to amend a certificate shall

(a) Conform to the requirements of section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the (here designate the proper court) to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a

right to have the writing executed by a person who refuses to do so, it shall order the County Clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of the County Clerk where the certificate is recorded

(a) A writing in accordance with the provisions of paragraph (1), or (2) or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

SEC. 26. (Parties to Actions.) A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

Parties to actions.

SEC. 27. (Name of Act.) This act may be cited as The Uniform Limited Partnership Act.

Name of act.

SEC. 28. (Rules of Construction.) (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

Construction of act.

(2) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This act shall not be so construed as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action on proceedings begun or right accrued before this act takes effect.

SEC. 29. (Rules for Cases not Provided for in

Rules. this Act.) In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

Existing limited partnership.

SEC. 30. (Provisions for Existing Limited Partnerships.) (1) A limited partnership formed under any statute of this state prior to the adoption of this act, may become a limited partnership under this act by complying with the provisions of section 2; provided the certificate sets forth

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A limited partnership formed under any statute of this state prior to the adoption of this act, until or unless it becomes a limited partnership under this act, shall continue to be governed by the provisions of sections 9966 to 9975, inclusive, Remington's Revised Statutes, except that such partnership shall not be renewed unless so provided in the original agreement.

Acts repealed.

SEC. 31. (Act, Acts, Repealed.) Except as affecting existing limited partnerships to the extent set forth in section 30, sections 9966 to 9975, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 768-1 to -19, are hereby repealed.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 93.

[H. B. 134.]

LEASING OF COUNTY OWNED PROPERTY.

AN ACT authorizing counties to lease county owned properties, or tax acquired properties, or reserved mineral rights, for the purpose of prospecting for and removal therefrom of minerals, including oil, gas and other petroleum products, amending section 1, chapter 38, Laws of 1907 (section 11312, Remington's Revised Statutes; section 487-43, Pierce's 1943 Code), adding five new sections to be known as sections 4, 5, 6, 7 and 8, and declaring an emergency.

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

SECTION 1. Section 1, chapter 38, Laws of 1907 (section 11312, Remington's Revised Statutes; section 487-43, Pierce's 1943 Code), is amended to read as follows: Amend-
ments.

Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of said county and the taxing districts and the people thereof, that any mining claims, reserved mineral rights, or any other county owned or tax acquired property owned by the county, either absolutely or as trustee, should be leased for the purpose of exploration, development, and removal of any minerals, oil, gas and other petroleum products therefrom, said Board of County Commissioners is hereby authorized to enter into written leases, under the terms of which any county owned lands or county owned mineral rights, or reserved mineral rights, are leased for the aforementioned purpose, with or without an option to purchase. Any such lease shall be upon terms and conditions as said County Commissioners may deem for the best interests of said county and the taxing districts, and as in this chapter provided, and may be for such primary term as said board may determine and as long thereafter as minerals, including oil, and/or gas, may be produced therefrom. Leasing of
county
owned
properties
reserving
mineral
rights.

Amend-
ments.

SEC. 2. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 4, to read as follows:

Liability
under lease.

Section 4. The lessee under any such petroleum lease shall have the option of surrendering any of the lands included in said lease at any time, and shall thereby be relieved of all liability with respect to such lands except the payment of accrued royalties as provided in said lease. Upon such surrender, the lessee shall have the right for a period of one hundred twenty (120) days following the date of such surrender, to remove all improvements placed by him on the lands which have been surrendered.

Amend-
ments.

SEC. 3. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 5, to read as follows:

Rentals
distribution.

Section 5. Any royalties or rentals received by the said county under any lease entered into under the provisions of this chapter, shall be divided among the various taxing districts entitled thereto, in the same proportion and manner as the purchase money for said lands would have been divided in the event the said properties had been sold.

Amend-
ments.

SEC. 4. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 6, to read as follows:

Surface
rights.

Section 6. Nothing in this chapter contained shall be construed as giving the County Commissioners the right to lease the surface rights of tax acquired property, except that the lease of any property as in this chapter provided shall give the lessee the right to use such portions of the surface on said land as may be necessary or desirable to it in its business.

Amend-
ments.

SEC. 5. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 7, to read as follows:

Section 7. In the event said lease shall be for reserved mineral rights on lands previously sold by said county with mineral rights reserved, as provided in chapter 19, Laws of 1943, said lease shall contain a provision that no rights shall be exercised under said lease by the lessee, his heirs, executors, administrators, successors or assigns, until provision has been made by the lessee, his heirs, executors, administrators, successors or assigns to pay to the owner of the land upon which the rights reserved to the county are sought to be exercise [exercised], full payment for all damages to said owner by reason of entering upon said land; said rights to be determined as provided for in said chapter 19, Laws of Washington, 1943: *Provided, however,* That in the event of litigation to determine such damage, the primary term of such lease shall be extended for a period equal to the time required for such litigation, but not to exceed (3) years.

Lands
previously
sold.

SEC. 6. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 8, to read as follows:

Amend-
ments.

Section 8. Nothing herein contained is intended to or shall be construed as affecting any existing rights granted under chapter 38, Laws of 1907.

Existing
rights.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 94.

[H. B. 137.]

FLOOD CONTROL.

AN ACT relating to flood control, navigation and power or reclamation developments; empowering County Commissioners to lease county property; amending section 1, chapter 46, Laws of 1937, as amended by section 1, chapter 142, Laws of 1941 (section 4015-6, Rem. Supp. 1941, also Pierce's Perpetual Code 566-1); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 1, chapter 46, Laws of 1937, as amended by section 1, chapter 142, Laws of 1941 (section 4015-6, Rem. Supp. 1941, also Pierce's Perpetual Code 566-1), is hereby amended to read as follows:

Lease or
conveyance
of property
to United
States for
flood
control.

Section 7. 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 lease or convey property, real or personal, belonging to the county, however acquired, whether by tax foreclosure or in any other manner, to the United States of America 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 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 lease or convey such property to the United States of America 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 so conveyed or leased by deed or other instrument of conveyance or lease without notice and upon such consideration, if any, as shall be determined by the Board of County Commissioners, and the deed or lease may be signed by the County Treasurer when authorized to do so by resolution of the Board of County Commissioners. Any deed issued heretofore under this section by any county in the State of Washington to the United States of America covering land acquired by tax foreclosure or in any other manner is hereby ratified and approved and is declared hereby to be valid.

How
conveyed.

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

Effective
immediately.

Passed the House February 22, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 95.

[H. B. 145.]

ELECTIONS—REGISTRATION.

AN ACT relating to registration of voters, amending section 6, chapter 1, Laws of 1933 (section 5114-6, Remington's Revised Statutes, also Pierce's Perpetual Code 531-11).

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

SECTION 1. Section 6, chapter 1, Laws of 1933 (section 5114-6, Remington's Revised Statutes, also Pierce's Perpetual Code 531-11), is amended to read as follows:

Amend-
ments.

Section 6. Registration officers in incorporated cities and towns shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction

Hours for
registration
offices.

Libraries,
schools, fire
stations.

Fees of
officers.

Records for
registration.

of public business: *Provided*, That in all cities of the first and second class, the registrar of voters shall establish registration offices permanently in all libraries, schools and fire stations by designating some person or persons regularly employed therein as deputy registrars who shall register all eligible electors of such city requesting registration and who shall receive a fee of ten (10) cents for each person registered and *Further provided*, That registration of all possible eligible voters may be obtained by extra volunteer registrars who are legal voters deputized by the proper registration official to register any citizen at any place within the city. In cities other than first and second class the registration official shall make registration facilities available to all citizens at such various public places and at such various times, so that any qualified elector of a city or town may register to vote at any of the times and places so provided, and so that all eligible voters may have the opportunity so to register. It shall be the duty of the deputy registrar of each precinct outside of the corporate limits of any city or town, except as herein otherwise provided, to keep blank registration cards for the registration of voters residing in his precinct at his usual place of residence or his usual place of business at reasonable hours, and he shall, at the end of each week, forward by mail, to the County Auditor, the records of those who have registered during that week: *Provided*, That such precinct registration officer, with the written consent of the County Auditor, during the time that registration files are kept open for the registration of voters, may designate some centrally located place in lieu of the usual place where registration cards are kept, where such cards will be kept for the registration of voters, after giving such notice of his intention so to do as he may deem expedient, and keep such cards for the registration of voters at such place for such time or times as is stated in such notice.

SEC. 2. Section 7, chapter 1, Laws of 1933 (section 5114-7, Remington's Revised Statutes, also Pierce's Perpetual Code 531-13), is repealed. Acts repealed.

Passed the House February 12, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 96.

[S. H. B. 151.]

WAR TIME ELECTIONS.

An Act relating to elections and voting in time of war; amending sections 2, 3, and 8, chapter 4, Laws Extraordinary Session, 1944; adding a new section, to be known as section 29, to chapter 4, Laws Extraordinary Session, 1944; and repealing chapter 125, Laws of 1943 (sections 10758-14 and 10758-15, Rem. Supp. 1943).

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

SECTION 1. Section 2, chapter 4, Laws Extraordinary Session, 1944, is amended to read as follows: Amendments.

Section 2. The provisions of this act shall remain in effect until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged as declared by the President and Congress of the United States. While this act is in effect it shall supersede any existing provision of law in conflict with it, but such provisions are not repealed and after this act is no longer effective such provisions shall have the same force as though it had not been enacted. Effective period of wartime elections act.

Nothing contained in this act shall affect any municipal, district or local election, it being the intent that this act shall apply only to the biennial Statewide Primary and General Elections and such Statewide special elections as may be consolidated therewith. Scope of act.

SEC. 2. Section 3, chapter 4, Laws Extraordinary Session, 1944, is amended to read as follows:

War voter
defined.

Section 3. "War voter" means an elector who comes within any of the following categories:

(a) Member of the armed forces of the United States or any auxiliary branch thereof.

(b) Employee of the United States and serving outside the territorial limits of the United States.

(c) Employee of the American Red Cross and serving outside the territorial limits of the United States.

(d) Officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.

(e) Civilian outside the United States attached to and serving with the armed forces.

(f) Any citizen of the State of Washington sojourning outside the territorial limits of the United States.

(g) Every person, eligible to register and qualified to vote, who has been discharged from the armed forces too late to register as a voter at the time when, and at the place where registration is required.

(h) A spouse of any person included in classes (a) to (g) of this section, inclusive, who because of the dislocations of war, is temporarily residing outside the State of Washington.

SEC. 3. Section 8, chapter 4, Laws Extraordinary Session, 1944, is amended to read as follows:

War ballots,
manner
secured.

Section 8. Any war voter may secure absent voters' ballots by mailing a signed request to the registration officer of the county, city or town of the war voter's residence or to the Secretary of State requesting such ballot. If the ballot request is addressed to the Secretary of State such request shall be forwarded by such officer immediately to the ap-

propriate registration officer. The request shall be signed by the applicant and shall state his last home address, the address to which he wishes the absent voter's ballot mailed and the branch of service to which applicant is attached. No request for an absent voter's ballot shall be rejected because of any error or insufficiency therein if the registration official can determine from such request the true name and address of the applicant.

In the alternative, a war voter's ballot may be requested on behalf of any war voter by the husband, wife, father, mother, sister, brother, son or daughter of such person, other than a minor, who on requesting a ballot for such war voter shall execute a written statement that the person for whom the ballot is requested is a legal voter of the State of Washington, giving such person's name and voting address and the address to which the ballot is to be mailed. Such statement shall be presented to the County Auditor of the voter's residence who shall thereupon act on such request in the same manner as requests received under the provisions of the first paragraph of this section. The County Auditor shall exercise due care and precaution to prevent duplication in the issuance of such ballots.

Ballots
secured
on request
of relatives.

SEC. 4. Chapter 4, Laws Extraordinary Session, 1944, is amended by the addition of a new section, to be known as section 29, as follows:

Section 29. All provisions of the existing general laws relating to primary and general elections shall remain in full force and effect except in so far as they may be superseded by some express provision hereof: *Provided*, That at all elections held during the effective period of this act the voting polls shall remain open on both primary and general election days for fourteen (14) continuous hours from eight (8) o'clock, A. M., until ten (10) o'clock, P. M.

Hours when
polls open.

Acts repealed.

SEC. 5. Chapter 125, Laws of 1943 (sections 10758-14 and 10758-15, Remington's Revised Statutes, also Pierce's Perpetual Code 746A-1 -2), is repealed.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 97.

[H. B. 152.]

STATE LANDS—TIMBER.

AN ACT relating to state lands; removing dead timber therefrom; and the licensing and regulation thereof.

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

Licenses for removal of dead timber.

SECTION 1. The Commissioner of Public Lands may issue annual licenses to residents of this state who are citizens of the United States or have declared their intention to become such to enter upon lands belonging to the state for the purpose of removing therefrom dead timber which is unfit for any purpose except to be used as firewood.

Use must be personal.

SEC. 2. In addition to other matters which may be required to be contained in the application for a license under this act the applicant must certify that the wood so removed is to be only for his own personal use and in his own home and that he will not dispose of it to any other person.

License fee.

SEC. 3. The application may be made to the Commissioner of Public Lands or his duly qualified representative for that purpose, and if deemed proper, the license may be issued upon the payment of one dollar (\$1) which shall be paid into the treasury of the state by the officer collecting the same and placed in the State General Fund; the license shall be dated as of the date of issuance and authorize the holder thereof to remove between the dates of Oc-

tober 15th and February 15th of the following year not more than twelve cords of wood not fit for any use but as firewood for the use of himself and family from the premises described in the license under such regulations as the Commissioner of Public Lands may prescribe.

Period
effective.

SEC. 4. Any false statement made in the application or any violation of the provisions of this act shall constitute a gross misdemeanor and be punishable as such.

Penalty.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 98.

[H. B. 163.]

LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to local improvements in cities and towns; and amending section 12, chapter 98, Laws of 1911, as last amended by section 1, chapter 85, Laws of 1931 (section 9363, Remington's Revised Statutes, also Pierce's Perpetual Code 401-23).

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

SECTION 1. Section 12, chapter 98, Laws of 1911, as last amended by section 1, chapter 85, Laws of 1931 (section 9363, Remington's Revised Statutes, also Pierce's Perpetual Code 401-23), is hereby amended to read as follows:

Amend-
ments.

Section 12. The council or other legislative body shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, That in any city of the first class it appears from the certificate of the board, officer, or authority designated by charter or ordinance to determine the same that the proportion of the es-

Procedure
of forming
local im-
provement
districts.

timated cost and expense thereof to be assessed against the property in the proposed improvement district does not exceed the assessed valuation of the real estate, exclusive of improvements thereon, within such district, according to the valuation last placed upon it for the purposes of general taxation: *Provided*, That this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in section 9 of this act (section 9360, Remington's Revised Statutes) and such petition shall be signed by the owners of sixty (60%) per cent of the lineal frontage upon the improvement to be made and three-fourths of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed, but this limitation shall not apply when the city's legislative body, deeming the same necessary for public health, by unanimous vote orders the construction of sanitary sewers and necessary accessories for the disposal of sewage, or the construction of any sanitary fill, or the filling of any street to the established grade over any tide-flats or tide-lands in the manner now provided by law. The jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of property within the proposed district subject to at least sixty per cent (60%) of the cost of such improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district. In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

In computing the valuation of such property any non-assessable property owned by the United States,

state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

Passed the House February 27, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 99.

[H. B. 174.]

FOREST PROTECTION.

AN ACT relating to the protection of forests; providing for the prevention and suppression of fires; and amending section 3, chapter 105, Laws of 1917, as amended by section 2, chapter 152, Laws of 1937 (section 5806, Remington's Revised Statutes, also Pierce's Perpetual Code 575-77).

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

SECTION 1. That section 3, chapter 105, Laws of 1917, as amended by section 2, chapter 152, Laws of 1937 (section 5806, Remington's Revised Statutes, also Pierce's Perpetual Code 575-77), be amended to read as follows:

Amend-
ments.

Section 3. Any fire on any forest land in the State of Washington burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of such fire, is hereby declared a public nuisance by reason of its menace to life or property. The owner, operator and/or person in possession of land, on which a fire exists, or from which it may have spread, or either or any of them, notwithstanding the origin or subsequent spread thereof on his own or other land, hereby is required to make every reasonable effort to control and extinguish such fire immediately after receiving written notice to do so from the forester, or a warden, or ranger; and if such owner, operator and/or person in possession shall refuse,

Owner or
operator of
land re-
quired to
control
fires.

neglect or fail to do so, the supervisor of forestry or any fire warden or forest ranger acting with his authority shall summarily abate the nuisance thus constituted by controlling or extinguishing the fire and the cost thereof may be recovered from such owner, operator and/or person in possession of land and, if the work is performed on the property of the offender, shall also constitute a lien upon said property and/or chattels under his ownership. Such lien may be filed by the Supervisor of Forestry in the office of the county auditor and foreclosed in the manner provided by law for the foreclosure of liens for labor and material. It shall be the duty of the prosecuting attorney for the county to bring such action for debt, or to foreclose such lien, upon the request of the supervisor of forestry.

Costs may be recovered.

Lien.

Fire in logging operation.

When a fire occurs in a logging operation, such fire shall be fought to the full limit of available employees, as may be necessary, and such fire fighting shall be continued with the necessary crews in such numbers as are, in the opinion of the state forester, or his authorized deputies, sufficient to bring such fire to a patrol basis, and such fire shall not be left without such fire fighting crew or fire patrol until authority so to do has been granted in writing by the supervisor of forestry, or his authorized deputies.

Passed the House February 24, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 100.

[H. B. 181.]

REGULATION OF PLACES OF REFUGE.

AN ACT relating to the licensing and inspecting of Places of Refuge; prescribing duties of officers in connection therewith; adopting minimum and certain other regulatory provisions; amending sections 1 and 3 (sections 8358a and 8358c, Rem. Supp. 1943, also Pierce's Perpetual Code 728-60), and adding two new sections to chapter 70, Laws of 1943.

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

SECTION 1. Section 1, chapter 70, Laws of 1943 (section 8358a, Rem. Supp. 1943, also Pierce's Perpetual Code 728-60), is amended to read as follows: Amendment.

Section 1. The term "Place of Refuge" when used in this act shall mean any hospital, asylum, alms house, building or dwelling for housing the aged, infirm or imbeciles, wherein three or more persons, not related by blood or marriage to the householder, owner, operator or manager thereof, are lodged or boarded more than fifteen (15) days in any calendar month: *Provided*, That the term shall not include any hospital approved by the American College of Surgeons or the American College of Physicians, or any state institution. Place of refuge defined.

SEC. 2. Section 3, chapter 70, Laws of 1943 (section 8358c, Rem. Supp. 1943, also Pierce's Perpetual Code 728-60g), is amended to read as follows: Amendments.

Section 3. The County Commissioners of each county shall, before granting any license to any Place of Refuge, require that the premises to be licensed be inspected by the County or District Health Officer and by the State Fire Marshal or his deputy when outside the limits of cities with a paid fire department, or the Fire Chief when inside the limits of a city with a paid fire department, and shall further require that said licensed premises be inspected and a written report approving same be sub- License to operate.

mitted quarterly by said County or District Health Officer: *Provided, however,* That in incorporated cities having a paid fire department and which have adopted a building code, the license shall be issued by the City Council or City Commission, as the case may be, after proper inspection and a written report approving same be submitted by the City Health Officer and Fire Chief.

Amend-
ment.

SEC. 3. Chapter 70, Laws of 1943, is hereby amended by adding a new section immediately following section 10, to be known as section 11, which shall read as follows:

Rules and
regulations
relating to
sanitation
and safety.

Section 11. The Board of County Commissioners shall from time to time promulgate such rules and regulations relating to sanitary and health conditions and to fire and building standards as it may deem necessary for the protection of life and property. All such rules and regulations shall be initiated by resolution of the board, a copy of which shall be on file with the county auditor for five (5) days prior to its final adoption, with public notice of such filing being given by advertisement in a newspaper of general circulation in the county, and such regulations shall become effective thirty (30) days following their adoption. Whenever any regulation promulgated by the board requires any applicant or licensee to make structural changes in the premises used or sought to be used as a Place of Refuge the applicant or licensee may apply, and the board in its discretion may grant, an extension of not more than sixty (60) days in which such changes may be made without disqualifying the applicant or licensee from eligibility to a license: *Provided,* No such extension may be granted when the conditions to be remedied are such as to involve imminent danger to life and property: *Provided further,* That (excepting in cases of imminent danger) until six (6) months after the cessation of pres-

ent hostilities as declared by the President of the United States and the Congress, the board shall exercise discretion in enforcing any rule, regulation or requirement, by giving consideration to the inability of the licensee to obtain critical building material. The licensee, however, shall agree in writing to comply with the changes ordered as soon as the necessary materials are obtainable.

The rules and regulations of the State Department of Public Health, the County Health Department and the office of the State Fire Marshal relating or applicable to places of refuge are adopted by reference as a part of this act and shall have the same force and effect as if they were recited herein.

SEC. 4. Chapter 70, Laws of 1943, is hereby amended by adding a new section immediately following section 11, above set forth, to be known as section 12, and which shall read as follows:

Amend-
ments.

Section 12. Every Place of Refuge shall comply with the following minimum requirements:

All steps shall have a firm guard rail, and all walks shall be in good condition.

Minimum re-
quirements.

The interior of the house shall be kept clean and sanitary at all times. Rodents and insect nuisances must be eliminated when found. Rooms shall be homelike and attractive.

Floors and ceilings of all rooms and wards shall be of such type of material as to lend itself well to thorough and repeated cleansing.

Heating of all rooms shall be safe and adequate. No gas stoves shall be used which are not directly connected with an outside room, and all gas connections shall be of a metal type.

All rooms and wards shall have adequate natural lighting. In addition artificial lighting shall be sufficient and well placed for comfortable reading. Adequate lighting in the halls and bathrooms shall be required both day and night.

Minimum re-
quirements.

Window space shall not be less than one-fifth ($\frac{1}{5}$ th) of the floor space. All windows shall have openings adequate to provide necessary ventilation. They shall be screened and shall be fitted with shields and plates to protect patients from direct currents of air. If forced ventilation is used, it shall be in conformance with Book 15, Part 5, of the rules and regulations of the State Board of Health, Division of Sanitation.

All wards and rooms shall be of sufficient size to allow at least seventy (70) square feet of floor space for each adult patient, with at least three (3) feet of space between all beds.

Patients shall not be housed above the second story unless adequate fire escapes are provided and then only in accordance with the patient's illness and disability. Basement rooms, in addition to meeting requirements as to light, floor space and ventilation, must have the specific approval of the County Health Department before occupancy is authorized.

All bathrooms shall be equipped with sanitary toilets, wash basins, and bathing facilities. A safe and sanitary supply of both hot and cold water shall be available in all bathrooms. No common drinking cups shall be allowed. There shall be provided in either the room, ward, or other convenient place adequate closet or locker and drawer space, and a towel rack with clean towels and wash cloths for the exclusive use of each patient.

Bed linen shall be changed sufficiently often to be fresh and clean. Blankets shall be cleaned periodically. Fresh bedding and linens shall be supplied to each new patient. All sheets shall completely cover the mattress and tuck in at least four (4) inches on all sides.

If a municipal water supply is not available, the water supply shall be of such type as to meet the requirements of the State Department of Health.

When a municipal sewer system is not available, a method of sewage disposal must be provided which meets the approval of the State Director of Health. All plans for the authorization of new construction of sewer plants shall be submitted to the State Department of Health for approval.

Minimum requirements.

All contagious and infectious diseases shall be completely isolated from other patients according to the regulations of the State Board of Health. All pus cases must be isolated from other patients who have open wounds.

Unless otherwise approved by the County Health Department, no Place of Refuge shall be operated without having a registered nurse, or a licensed physician, as resident supervisor of nursing services: *Provided*, That none of the provisions of this paragraph shall be applicable to any home or place of refuge conducted for or by members of a recognized religious sect, denomination or organization which in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion.

No approval shall be given to a person to supervise nursing care who is less than twenty-one (21) years of age at the time of the application, or who is not of good moral character.

All food shall be prepared, handled, and distributed in accordance with the rules and regulations of the State Board of Health.

Three meals a day shall be served at regular intervals unless otherwise ordered by the attending physician. Special diets when ordered by the patient's physician must be provided in accordance with the doctor's recommendation.

All food when served to either bed or ambulatory patients must be served warm and in a sanitary and attractive manner.

Minimum re-
quirements.

Table linens shall be freshly laundered. Paper napkins are recommended. If cloth napkins are used, they shall be freshly laundered.

A record of each patient must be kept, giving: Name, address, age, name and address of nearest relative, name of doctor to be called in case of an emergency, the date of admission and discharge, and the name and address of person or agency placing the patient in the home.

Reports to
Health
Department.

Monthly reports shall be made to the County Health Department stating the names of the patients admitted, patients discharged, and patients who have died during the period. In the event of death, the cause of death shall be indicated.

Passed the House March 7, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 101.

[H. B. 183.]

EVIDENCE OF DEATH.

AN ACT providing for the receiving as prima facie evidence in any court, office or other place in this state, official findings, records, reports, or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees; and declaring an emergency.

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

Written
finding of
death by
Federal
officer.

SECTION 1. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2d Sess. 78th Cong.; U. S. C. App. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding,

shall be received in any court, office or other place in this state as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Prima facie evidence.

SEC. 2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in section 1 or by any other law of the United States to make same, shall be received in any court, office or other place in this state as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

Missing in action.

Interned.

SEC. 3. For the purposes of section 1 and section 2 of this act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Record prima facie correct.

SEC. 4. If any provision of this act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application 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.

Effective immediately.

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

Passed the House February 9, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 102.

[H. B. 186.]

DISPOSAL OF WASTE FOREST MATERIAL.

AN ACT relating to waste forest material, providing for the application and issuance of certificates in connection therewith, and amending section 2, chapter 223, Laws of 1927, as last amended by section 1, chapter 140, Laws of 1941 (section 5792-1, Rem. Supp. 1941, also Pierce's Perpetual Code 575-47).

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

Amendment.

SECTION 1. Section 2, chapter 223, Laws of 1927, as last amended by section 1, chapter 140, Laws of 1941 (section 5792-1, Rem. Supp. 1941, also Pierce's Perpetual Code 575-47), is amended to read as follows:

Certificate of clearance.

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 whether or not an effort has been made to remove or abate such fire hazard, and [an] application may be made to the Supervisor of Forestry for a certificate of clearance.

As soon as practicable after the receipt of such written request said State Supervisor shall cause the 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, or the burning of such area would be detrimental to the production of a new forest crop, 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 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 disposal or abatement 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, or that burning of said area would be detrimental to the production of a new forest crop. 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.

Contents of
certificate.

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 or will be detrimental to the growth of a new forest crop, or 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 as prescribed by the State Supervisor of Forestry: *Provided, further*, That should the

When burn-
ing will
result in
destruction.

Fee.

owner elect not to supply the fire protection prescribed by the State Supervisor of Forestry, he may in lieu thereof pay to the State Division of Forestry, or an organized forest protection agency approved by the State Supervisor of Forestry, a sum not to exceed twenty-five cents (25¢) per acre per year for a period to be fixed by the Supervisor, not in any event, however, to exceed six (6) years, which money shall be used by the State Supervisor of Forestry or authorized protection agency to give added fire protection to the areas on which the certificate of clearance was issued and the money collected. Any money paid to the State Division of Forestry as herein provided shall be placed in a special forest protection fund from which it may be disbursed by the State Supervisor of Forestry for the purpose intended.

Certificate
as evidence
of disposal.

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, upon due notice served in writing, by the State Supervisor of Forestry, for fraud or collusion in the procuring or issuance thereof, or in the event of non-compliance with any provision or condition of said certificate of clearance.

Passed the House February 26, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 103.

[S. H. B. 187.]

MINERAL LEASES.

AN ACT relating to minerals in state land, providing for issuance of mineral leases and contracts, providing for work requirements, permitting the consolidation of mining contracts under one operation, providing for renewal of mining contracts, and amending sections 158 and 162, chapter 255, Laws of 1927 (sections 7797-158 and 7797-162, Remington's Revised Statutes, also Pierce's Perpetual Code 940-285—293), and amending chapter 255, Laws of 1927 (sections 7797-1 to 7797-201 inclusive, Remington's Revised Statutes) by adding thereto one new section.

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

SECTION 1. Section 158, chapter 255, Session Laws of 1927 (section 7797-158, Remington's Revised Statutes, also Pierce's Perpetual Code 940-285), is amended to read as follows: Amendment.

Section 158. Leases for mineral prospecting purposes shall be for the term of two years from the date of the lease, and the lessee will also be required to perform work or make improvements upon the leased premises to an amount of not less than fifty dollars (\$50) for each forty (40) acres included in said lease and will file with the Commissioner of Public Lands an affidavit of the performance of such work when application is made for a renewal of any mineral prospecting lease as provided by law and the lessee, or his assigns, shall have the right to cut and use such timber found on the leased premises belonging to the state, for fuel and for the construction of buildings, drains, tramways and supports, as is necessary for prospecting the leased premises and for no other purposes, and shall have the right to extract, and remove from the leased premises, not to exceed five tons of ore for assaying and testing purposes during the term of the prospecting lease unless he shall surrender said prospect- Mineral leases period.

Work performed.

Cutting timber permitted.

Assaying and testing.

ing lease and enter into a contract with the state for the extraction of ore as hereinafter provided.

Amend-
ments.

SEC. 2. Section 162, chapter 255, Laws of 1927 (section 7797-162, Remington's Revised Statutes, also Pierce's Perpetual Code 940-293), is amended to read as follows:

Royalty.

Section 162. Mining contracts entered into as provided in the preceding sections shall, in addition to the provisions contained in the form specified, provide for the payment to the state of a royalty, payable semi-annually, at a rate to be determined by the Commissioner of Public Lands, but which rate shall not be less than one per cent (1%), nor more than four per cent (4%) of all moneys received from the sale of minerals from the lands covered by the contract, after deducting therefrom the cost to the contract holder of transporting the ore or minerals from the mine to market, or to any smelter, concentrating plant or other place of sale, and the cost to the contract holder of all treatment costs such as milling, smelting and refining incurred after mining and prior to sale, but there shall not be deducted the costs normal to mining, and shall provide that the contract holder or his assigns, shall pay to the state in addition to such royalties, an annual rental of ten dollars for each forty acres, or fraction thereof, included in said contract, and such contracts shall contain such other and further terms and conditions for the occupation of, and conduct of mining operations upon, the lands described in the contract as shall be agreed upon by the Commissioner of Public Lands and the applicant for the contract. The holder of any mining contract, or his assigns, may apply for the renewal thereof to the Commissioner of Public Lands within ninety days prior to the expiration of said contract. Upon receipt of such application, the Commissioner of Public Lands shall make the necessary investigation to determine whether the terms of the original con-

How
computed.

Renewal of
contract.

tract have been complied with, and if he finds they have been complied with in good faith, he shall then be required to issue a new contract of the premises described in the original contract, or any part thereof, upon the same terms as are provided for in the original contract.

SEC. 3. Chapter 255, Laws of 1927 (sections 7797-1 to 7797-201 inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 940-294), is amended by adding thereto a new section immediately following section 162 to be known as section 162-1, to read as follows:

Amend-
ments.

Section 162-1. The holders of two or more mining contracts may consolidate said contracts under a common management to permit proper operation of large scale developments. Application shall first be made to the Commissioner of Public Lands, together with a complete statement of plans of operation and proposed consolidation. The Commissioner of Public Lands shall thereafter make the necessary examinations and investigations to determine the feasibility of such consolidation and if he finds that such consolidation is desirable, he shall approve such plans and permit such consolidated operation under such rules and regulations as he may prescribe.

Consolida-
tion of
contracts.

Passed the House February 20, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 104.

[H. B. 102.]

FRUITS AND VEGETABLES—STANDARD WEIGHTS.

AN Act relating to weights and measures, amending sections 11 and 22, chapter 194, Laws of 1927 (sections 11627 and 11638, Remington's Revised Statutes, also Pierce's Perpetual Code 996-27—49).

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

Amendment. SECTION 1. Section 11, chapter 194, Laws of 1927 (section 11627, Remington's Revised Statutes, also Pierce's Perpetual Code 996-27), is amended to read as follows:

Standard container of potatoes. Section 11. The standard container of potatoes in this state shall contain one hundred (100) pounds net weight, and need bear no statement of the weight of its contents, but it is unlawful to sell or offer for sale potatoes by the container which contains more or less than one hundred (100) pounds, unless each container is labeled in plain English words and figures, not less than one inch (1") in height, with its true net weight.

Amendment. SEC. 2. Section 22, chapter 194, Laws of 1927 (section 11638, Remington's Revised Statutes, also Pierce's Perpetual Code 996-49), is amended to read as follows:

Standard container of apples and pears. Section 22. The standard size of an apple box in this state, shall be eighteen inches long, eleven and one-half inches wide, and ten and one-half inches deep, inside measure, and the standard size of a pear box in this state, shall be eighteen inches long, eleven and one-half inches wide, and eight and one-half inches deep, inside measure; and it shall be unlawful for any person to offer for sale or sell apples or pears in this state by the box, unless the box containing the same conform to the above standard: *Provided*, That apples or pears may be packed and

sold in special boxes if the net weight and contents are stamped thereon in plain letters and figures not less than one-half inch in height, and marked "Special Box."

Passed the House February 20, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 105.

[H. B. 189.]

VEHICLES—CROSS WALKS.

AN ACT relating to vehicles and the operation thereof upon public highways; granting the blind the right of way under certain conditions; making it unlawful for the erroneous exercise thereof; and amending chapter 189, Laws of 1937, by adding thereto two new sections immediately following section 99 (section 6390-99, Remington's Revised Statutes, also Pierce's Perpetual Code 295-50—50(21)).

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

SECTION 1. Chapter 189, Laws of 1937, is hereby amended by adding a new section to follow section 99 (section 6390-99, Remington's Revised Statutes, also Pierce's Perpetual Code 295-50), which shall be numbered section 99A, and shall read as follows: Amendment.

Section 99A. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, any pedestrian wholly or partially blind, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane or walking stick. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws. Blind pedestrian right of way on crosswalk.

SEC. 2. Chapter 189, Laws of 1937, is hereby amended by adding a new section to follow section

Amendment. 99A, which shall be numbered section 99B, and shall read as follows:

Penalty. Section 99B. It shall be unlawful for any person who is not wholly or partially blind to use a white cane or walking stick for the purpose of securing the right of way accorded by this act to wholly or partially blind people.

Passed the House February 20, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 106.

[H. B. 208.]

LOANS TO STATE AND POLITICAL SUBDIVISIONS.

AN ACT authorizing the State of Washington and political subdivisions thereof to accept federal loans, advances, grants in aid or donations.

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

State and subdivision may accept Federal loans.

SECTION 1. The State of Washington, its various counties, municipal corporations, quasi municipal corporations, cities, towns, villages and all other political subdivisions of the state are hereby authorized to accept from the federal government all loans, advances, grants in aid, or donations that may be made available under the War Mobilization and Reconversion Act or other federal act, for the purpose of financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other acts preliminary to the construction of public works.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 107.

[H. B. 209.]

SPORTING CONTESTS—FRAUDS.

AN ACT relating to frauds in sporting contest, and providing penalties therefor; and repealing any act in conflict therewith except chapter 55, Laws of 1933, as amended.

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 make any promise thereof, or who shall fraudulently commit any act by trick, device or bunco, or any means whatsoever with intent to influence or change the outcome of any sporting contest between men or between animals, shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not less than five (5) years.

Penalty for influencing results of sporting contest.

SEC. 2. All of the acts and statutes in conflict herewith are hereby repealed except chapter 55, Laws of 1933, and amendments thereto.

Acts repealed.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 108.

[H. B. 221.]

VETERANS' ORGANIZATIONS.

AN ACT relating to counties, cities and other political subdivisions of the State of Washington and authorizing them to furnish free of charge quarters for nationally recognized veterans' organizations and their auxiliaries.

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

Counties and cities may furnish Veterans quarters.

SECTION 1. Counties, cities and other political subdivisions of the State of Washington are authorized to furnish free of charge a building, office and/or meeting hall for the exclusive use of the several nationally recognized veterans' organizations and their auxiliaries, subject to the direction of the committee or person in charge of such building, office and/or meeting hall. The several nationally recognized veterans' organizations shall have access at all times to said building, office and/or meeting hall. Counties, cities and other political subdivisions shall further have the right to furnish heat, light, utilities, furniture and janitor service at no cost to the veterans' organizations and their auxiliaries.

Passed the House February 16, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 109.

[S. H. B. 230.]

TAXES—AD VALOREM—EXEMPTIONS.

AN ACT exempting from ad valorem taxation the property of certain corporations, incorporated under act of Congress, whose purposes are to furnish certain aid and carry on a system of national and international relief.

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

SECTION 1. The real and personal property of all corporations that have been incorporated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same, shall be exempt from ad valorem taxation.

Tax exemption for certain volunteer corporations.

SEC. 2. This act shall apply as to taxes to be levied in 1945, for collection in 1946, and in future years.

Act effective 1945.

Passed the House February 16, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 110.

[H. B. 223.]

INSURANCE—BUSINESS ASSOCIATES.

AN ACT relating to insurable interest in life of
business associates.

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

Insurable
interest in
life of
business
associates.

SECTION 1. Where two or more persons own stock or other financial interest in a close corporation, partnership or business association, and have heretofore contracted or hereafter contract with one another for the purchase, at the death of one, by the survivor or survivors of the stock, share or other interest of the deceased, the person or persons making the contract of purchase shall be deemed to have, and are hereby declared to have, an insurable interest in the life of the person or persons contracting to sell their interest.

Passed the House February 15, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 111.

[H. B. 222.]

REALTORS.

AN ACT relating to real estate brokers and real estate salesmen; and amending sections 5, 10, 12, 13, 16 and 20, chapter 252, Laws of 1941 (sections 8340-28, -33, -35, -36, -39, -43, Rem. Supp. 1941, also Pierce's Perpetual Code 836-9, -19, -21, -23, -25, -31, -35, -37, -39); and amending sections 11, 18, and 19, chapter 252, Laws of 1941, as amended by sections 2, 4 and 5, chapter 118, Laws of 1943 (sections 8340-34, 8340-41 and 8340-42, Rem. Supp. 1943); and providing additional penalties for violation thereof.

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

SECTION 1. Section 5, chapter 252, Laws of 1941 (section 8340-28, Rem. Supp. 1941, also Pierce's Perpetual Code 836-9), is amended to read as follows: Amendment.

Section 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: *Provided*, That if any real estate broker or salesman is or hereafter may be employed by the Director as such an inspector, clerk or employee, the license of such broker or salesman shall not be revoked, suspended, or cancelled by reason of such employment, if the annual license fees are paid during such employment: *And provided further*, That if the license of any such broker or salesman shall have been heretofore revoked, suspended or cancelled by reason of Real estate broker inspectors.

Qualification.

Reinstatement after state employment.

such employment, the Director, upon submission of proof of the payment of annual license fees during such employment and the reinstatement of the official bond of the broker or salesman, shall cause such license to be reinstated as of the date it was so revoked, suspended or cancelled.

Amendment. SEC. 2. Section 10, chapter 252, Laws of 1941 (section 8340-33, Rem. Supp. 1941, also Pierce's Perpetual Code 836-19), is amended to read as follows:

Section 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: *Provided, further*, That no licensed real estate broker or salesman shall operate under any name other than the one under which said license is issued unless he shall have first obtained the written consent of the Director so to do.

Amendment. SEC. 3. Section 11, chapter 252, Laws of 1941, as amended by section 2, chapter 118, Laws of 1943 (section 8340-34, Rem. Supp. 1943, also Pierce's Perpetual Code 836-21), is amended to read as follows:

Section 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: *Provided, however,* That if an application for renewal license is not received by the Director on or before January 1st of each year, the license fee for a renewal license shall be ten dollars (\$10), if such application is received by the Director by December 31st of the current license year: *Provided, further,* That acceptance by the Director of any application for renewal after January 1st shall not be construed as a waiver of any right created by or duties, obligations, requirements or penalties imposed under this act. The State Treasurer shall upon the receipt of any money from the Director 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 copartnership, or unincorporated asso-

ciation, then a list of the members of said copartnership or association and their addresses; and

Non-residents.

(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. 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 (3d) day following the deposit in the mail of said copy of said process or pleadings.

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 copartnership 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 the 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: *Provided, however,* That a temporary salesman's license issued during the month of December may be extended beyond December 31 and until such time as the results of the next examination shall be available, which in no event shall be longer than six (6) months from the date upon which the temporary license was originally issued, without the payment of an additional fee.

Temporary
license.

SEC. 4. Section 12, chapter 252, Laws of 1941 (section 8340-35, Rem. Supp. 1941, also Pierce's Perpetual Code 836-23), is amended to read as follows:

Amend-
ments.

Section 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, copartnership 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 in his discretion waive the requirement of examination in the case of an

Examination.

When exam-
ination
waived.

application from a person who holds a valid and subsisting license from a state having requirements similar to those of this state, and 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.

Amend-
ments.

SEC. 5. Section 13, chapter 252, Laws of 1941 (section 8340-36, Rem. Supp. 1941, also Pierce's Perpetual Code 836-25), is amended to read as follows:

Commission.

Section 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 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: *Provided*, That the period during which any real estate broker or salesman shall have, or hereafter, may, be employed by the Director as inspector, clerk or employee, and whose license shall be in full force and effect, as herein provided, shall be included in computing said five (5) year period for qualification for said Commission.

Require-
ments.

SEC. 6. Section 16, chapter 252, Laws of 1941 (section 8340-39, Rem. Supp. 1941, also Pierce's Perpetual Code 836-31), is amended to read as follows:

Section 16. Each applicant for examination to become a real estate salesman shall pay a fee of fifteen dollars (\$15) and each applicant for examination to become a real estate broker shall pay a fee of twenty-five dollars (\$25), which fee shall accompany the applications: *Provided, however,* That no additional examination fees shall be required until an applicant has either taken an examination and failed, or failed to appear for two (2) successive examinations.

Fee.

SEC. 7. Section 18, chapter 252, Laws of 1941, as amended by section 4, chapter 118, Laws of 1943 (section 8340-41, Rem. Supp. 1943, also Pierce's Perpetual Code 836-35), is amended to read as follows:

Amendments.

Section 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. The said office shall be located in a building accessible to the public: *Provided,* That any office so established should comply with the zoning requirements of city or county zoning ordinances, if any. Any real estate broker may apply to the Director for authority to establish one or more branch offices, whereupon the Director, upon the payment of five dollars (\$5) for each branch office, shall issue to said broker a duplicate license for each of such branch offices, showing location of his main office and the branch, which duplicate license shall be prominently displayed in the office for which it is issued: *Provided,* That the branch office or offices shall be conducted under the same name as the main office of said broker. Notice in writing shall be given the Director of any change by the real estate broker of his business location, or of any branch office, whereupon the Director, upon surrender of

Business residence required.

Branch offices.

the original license for the business, or duplicate license for the branch office, the location of which is changed, shall issue without charge a new license or duplicate license, as the case may be, covering such new location.

Records.

Every person licensed as a real estate broker shall keep adequate records of all real estate transactions handled by or through said broker, which records shall include, but not necessarily be limited to, copy of earnest money receipt and itemization of broker's receipts and disbursements in connection with such transaction or transactions, which records shall at all times be open to inspection by the Director or his duly authorized representatives. Any violation by a real estate broker of any of the provisions of this section shall be grounds for revocation of all of the licenses issued to such broker.

Amendments.

SEC. 8. Section 19, chapter 252, Laws of 1941, as amended by section 5, chapter 118, Laws of 1943 (section 8340-42, Rem. Supp. 1943, also Pierce's Perpetual Code 836-37), is amended to read as follows:

Investigation.

Section 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:

Revocation of license.

(a) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the Director;

Causes.

(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;

Causes of
revocation
of license.

(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, descriptions 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) Accepting the services of, or continuing in a representative capacity, 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 represen-

Causes of
revocation
of license.

tatives, 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 different character from that hereinbefore enumerated which constitutes fraudulent or dishonest dealing;

(k) Advertising in any manner without affixing the name of said broker to said advertisement;

(l) Accepting other than cash or its equivalent as earnest money unless such fact is communicated to the owner prior to his acceptance of the offer to purchase;

(m) Charging or accepting compensation from more than one party in any transaction without first making full disclosure of all of the facts to all parties interested in the transaction;

(n) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal;

(o) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(p) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless such interest is clearly stated in the appraisal report.

SEC. 9. Section 20, chapter 252, Laws of 1941 (section 8340-43, Rem. Supp. 1941, also Pierce's Perpetual Code 836-39), is amended to read as follows:

Section 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 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

Hearing on
revocation.

Appeal from
order of
revocation.

Deputies.

documentary, concerning the matter. If said ag-grieved party shall fail to perfect his appeal or file said transcript as herein provided, said stay of pro-ceedings shall automatically terminate. The Direc-tor shall have power to deputize one or more of his assistants to perform in the name of the Director the duties, functions and powers conferred upon him by this section, including the power to preside at hear-ings and to render decisions therein subject to the approval of the Director.

Passed the House March 6, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 112.

[H. B. 231.]

VETERANS—PROFESSIONAL AND OCCUPATIONAL LICENSES.

AN ACT relating to the licensing of persons' by the Director of Licenses to engage in professions and occupations and providing that licenses to such persons in the armed forces, army transport service or the merchant marine of the United States shall continue in effect without renewal during war service and for six months thereafter, and amending section 1, chapter 108, Laws of 1943 (section 10864-1, Rem. Supp. 1943, also Pierce's Perpetual Code 746m-1).

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

Amend-ments.

SECTION 1. Section 1, chapter 108, Laws of 1943 (section 10864-1, Rem. Supp. 1943, also Pierce's Perpetual Code 746m-1), is amended to read as follows:

Section 1. Notwithstanding any provision of law to the contrary, the license of any person licensed by the Director of Licenses to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered

active service in the armed forces and army transport service or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless the same is sooner suspended, cancelled or revoked for cause as provided by law. The Director of Licenses shall renew the license of every such person who applies for renewal thereof within six (6) months after honorable cessation of such active service upon payment of the renewal fee applicable to the then current year or other license period.

Professional and occupational licenses of Veterans.

Passed the House February 16, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 113.

[H. B. 252.]

REGULATION OF APIARIES.

AN ACT providing for the compensation of apiary inspector and registration of bees, and amending section 2, chapter 59, Laws Extraordinary Session, 1933 (section 3170-2, Remington's Revised Statutes, also Pierce's Perpetual Code 244-3), and declaring an emergency.

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

SECTION 1. Section 2, chapter 59, Laws Extraordinary Session, 1933 (section 3170-2, Remington's Revised Statutes, also Pierce's Perpetual Code 244-3), is amended to read as follows:

Amendments.

Section 2. The Director of Agriculture shall have the power and it shall be his duty to appoint one or more Apiary Inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, the investigation of outbreaks of bee diseases and the enforcement of the provisions of this act in relation to their eradication and control. Such Apiary Inspector or Inspectors shall

Inspection of apiaries.

be paid such reasonable compensation as may be fixed by the Director of Agriculture while so employed and his actual and necessary traveling expenses incurred in the performance of his duties. In order to facilitate inspection of bees it shall be the duty of each person, firm or corporation owning or having bees in his possession to register with the county extension agent of the county wherein the bees are located, without charge, giving the location of bee yard, name, address and phone number of owner, and to post a notice at the yard where the bees are located giving similar information, on or before April 1, 1945, and annually on or before April 1, thereafter.

Bee owners shall report.

Effective immediately.

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

Passed the House February 21, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 114.

[S. H. B. 255.]

OLYMPIC NATIONAL PARK.

AN ACT relating to Olympic National Park; providing for the ceding to the United States of exclusive jurisdiction over all lands therein; reserving certain rights to the State of Washington; amending section 1, chapter 170, Laws of 1939, as last amended by section 1, chapter 51, Laws of 1941 (section 8110-1, Rem. Supp., 1941, also Pierce's Perpetual Code 990-33); and declaring an emergency.

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

SECTION 1. Section 1, chapter 170, Laws of 1939, as last amended by section 1, chapter 51, Laws of 1941 (section 8110-1, Rem. Supp., 1941, also Pierce's Perpetual Code 990-33), is amended to read as follows: Amendment.

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 or hereafter 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 Governor of this state that they assume police or military jurisdiction over said park: *And provided further,* That full jurisdiction over a strip of land two hundred fifty feet (250') wide, being one hundred twenty-five feet (125') wide on each side of the now existing center line of Primary State Highway No. 9 together with existing pit sites and stock-

Jurisdiction
ceded to
United States
over land
in Olympic
National
Park.

pile sites within said park shall be retained by the State of Washington.

Effective immediately.

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 115.

[H. B. 262.]

EDUCATION.

AN ACT relating to education; providing for the extension of high schools and the merging of Junior Colleges with extended high schools.

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

Purpose.

SECTION 1. The purpose of this act is to authorize and encourage school districts to establish and maintain educational programs designed to meet the needs and interests of high school graduates for whom educational and vocational preparation opportunities would not otherwise be available and for war veterans and others in need of educational and vocational preparation and adjustment, and to provide a state plan for the orderly development of such programs.

Extended high schools authorized.

SEC. 2. School districts are hereby authorized to establish and maintain, under rules and regulations hereinafter provided for, vocational and/or general educational programs for high school graduates, war veterans and others, as thirteenth (13th) and fourteenth (14th) years in high schools and as a part of the common school system of the state, and to pay for such programs out of their general fund budgets.

SEC. 3. The State Board of Education shall establish procedures and requirements under which any school district shall determine the need within such district for the establishment of any program provided for in section 2 of this act and the type or kind of such program to be established. The State Board of Education shall also establish rules, regulations and standards governing the operation and maintenance of any such program, and any district maintaining such program under such rules, regulations and standards, shall be allowed apportionments of state and county funds as provided by law.

Procedure to determine need.

SEC. 4. Any class or classes maintained or operated under programs provided for in section 2 of this act and under rules, regulations and standards provided for in section 3 of this act may be attended by any high school graduate, war veteran, or others, irrespective of age, residing within the district maintaining such class or classes or residing within any other school district: *Provided*, That such high school graduates, war veterans and others not residing within the school district maintaining such class or classes shall be admitted upon the same conditions and subject to the same fees as are those residing within the district and not otherwise.

Who may attend.

SEC. 5. Any public Junior College established pursuant to the provisions of Pierce's Perpetual Code 895-1 to -27, chapter 146 of the Laws of 1941, as amended by chapter 63 of the Laws of 1943 (sections 4623-1 to 4623-14, inclusive, Remington's Revised Statutes), may be discontinued as an independent Junior College and operated as thirteenth (13th) and fourteenth (14th) years of the high school of the school district in which it is located. Any such discontinuance as an independent Junior College and merger with the high school shall be made only upon the approval by the State Board of Education upon an application for such merger made by the

Junior colleges may convert.

Approval.

Board of Trustees of the Junior College and the Board of Directors of the school district, and any program maintained under such merger shall be subject to the provisions of this act.

Passed the House March 2, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 116.

[H. B. 265.]

SALARY OF LIEUTENANT GOVERNOR.

AN ACT relating to the salaries of state officers; fixing the salary of the Lieutenant Governor at three thousand dollars.

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

Salary of
Lieutenant
Governor.

SECTION 1. The annual salary of the Lieutenant Governor shall be three thousand dollars (\$3,000), which salary shall be paid at the times and in the manner now provided by law.

Passed the House February 20, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 117.

[S. H. B. 278.]

PUBLIC CARRIERS—UNDERCHARGES.

AN ACT fixing the period in which actions at law for collection of undercharges may be begun by public carriers.

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

SECTION 1. All actions at law by railroads, common and contract carriers by motor truck and all other public carriers for recovery of their charges, or any part of them, for any common carrier service performed by said carriers, shall be begun within two (2) years from the time the cause of action accrues, and not after.

Limitation of actions for common carrier charges.

Passed the House February 27, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 118.

[H. B. 295.]

HOSPITALS—COUNTY-CITY.

AN ACT relating to the operation of county and county-city hospitals; and amending section 7, chapter 139, Laws of 1931 (section 6090-15, Remington's Revised Statutes, also Pierce's Perpetual Code 636-29); and declaring an emergency.

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

SECTION 1. Section 7, chapter 139, Laws of 1931 (section 6090-15, Remington's Revised Statutes, also Pierce's Perpetual Code 636-29), is amended to read as follows:

Amendments.

Section 7. The Board of Trustees shall:

(1) Have general supervision and care of such hospitals and institutions and the buildings and

grounds thereof and power to do all and everything necessary to the proper maintenance thereof within the limits of the appropriations authorized.

Powers of
hospital
trustee.

(2) Employ and fix the salary of a General Superintendent, who shall furnish a bond in such amount as may be fixed by the Board and which shall be subject to approval of the Board. The General Superintendent shall become an ex-officio member and secretary of the Board of Trustees, and shall devote his entire time exclusively to the management of the hospital and institution and shall not engage in any other business or profession of any nature whatsoever. After January 1, 1947, the General Superintendent shall not be qualified for appointment unless he shall have had not less than three (3) years of experience as superintendent, or assistant superintendent, of a general hospital. The General Superintendent may be removed for misfeasance or malfeasance in the following manner: Written notice setting forth the specific acts constituting the charges shall be served upon the General Superintendent, and the notice shall fix a time and place for hearing on the charges. At such hearing the General Superintendent shall be given an opportunity to be present and meet the charges and be heard in his defense against the charges. The charges shall be heard before a tribunal consisting of the chairman of the Board of County Commissioners, the Prosecuting Attorney and the County Auditor of the county in which the hospital or institution is situated.

(3) Prepare, in accordance with the provisions of the county budget law and file with the County Auditor or if the hospital has been established by more than one county, with the County Auditor of each county, and if a city has contributed to the establishment of the hospital, with the official of the city charged by law with the preparation of the city budget, a detailed and itemized estimate, both of

probable revenues from sources other than taxation and of all expenditures required from such county, or counties and city, as the case may be, by such hospital or institution for the ensuing fiscal year.

(4) File during the first week in January of each year with the County Commissioners of each county and the City Council or governing body of any city contributing to the establishment of such hospital, a report covering the proceedings of the board with reference to such hospital, and a statement of all receipts and expenditures during the preceding calendar year.

(5) Have the power to accept property by gift, devise, bequest or otherwise for the use of such hospital or institution.

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

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 119.

[H. B. 282.]

TRANSFER OF STATE LAND TO KING COUNTY.

AN ACT authorizing conveyance of certain lands in King County from the State of Washington to the County of King; authorizing the Commissioner of Public Lands to convey the same by appropriate deed, and reserving the gravel rights therein.

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

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

Transfer of
certain land
to King
County.

County of King all the following described lands, to-wit: That portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 5 E. W. M. lying south of the C. H. Van Brocklin Road (Tax Lot 32) and all that portion of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 5 E. W. M. lying south of Rex Ross and C. H. Van Brocklin Roads (Tax Lot 34), recorded in Volume 2060, page 412, records of the King County Auditor, all of said lands being situate in the County of King, State of Washington; reserving, however, to the State of Washington the right to take such gravel as may be needed for its operations in the vicinity of such lands: *Provided, however,* That King County may also use such gravel as it may need for its operations.

How
conveyed.

SEC. 2. The Governor is hereby authorized and directed to execute, and the Secretary of State to attest, a deed to the County of King conveying all of said lands with the reservation therein contained.

Passed the House February 21, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 120.

[H. B. 283.]

AGRICULTURE—CONTROL OF PESTS.

AN Act relating to agriculture; authorizing the Director of Agriculture to prescribe and enforce rules and regulations relating to the use of materials lethal to bees and livestock; providing for the licensing of those engaged for hire in the business of eradicating or controlling pests; prescribing penalties for violations; and declaring an emergency.

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

SECTION 1. It is hereby recognized that insect pollinators are essential in the production of fruit, seed and other agricultural crops and that the destruction of these pollinating insects and bees in the past by the indiscriminate use and application of toxic insecticides for the control of pests has materially decreased fruit, seed, and other agricultural production in this state, and on account of these facts it is now declared to be the policy of and for the benefit of the state and its people to protect these natural pollinators by control methods. Purpose.

SEC. 2. The Director of Agriculture shall have power, and it shall be his duty:

(a) To exercise supervisory and directory control over the use of insecticides which are lethal to pollinating insects, bees and livestock when said insecticides are applied by commercial sprayers or dusters as defined in sub-section (e) of this section. Power of Director of Agriculture to control pests.

(b) Upon the request of ten or more interested persons in any county to hold a hearing in the county on the matter of issuing regulations hereunder: *Provided, however,* That he shall give notice of such hearing by publication in a newspaper in the county to be selected by him, for two successive weekly publications, the first of which shall be published at least ten (10) days prior to such hearing.

(c) To give all interested parties an opportunity to be heard and to present proposed regulations.

(d) After a hearing has been had, as herein provided, to make and enforce such regulations as may be necessary to protect pollinating insects, bees and livestock from injury by the use of lethal dust and sprays.

Powers to
control pests.

(e) To require those commercially engaged for hire in the business of eradicating and controlling pests by the use of material lethal to bees and livestock to secure a license from the Director of Agriculture and to pay an annual fee not exceeding ten dollars (\$10) therefor. Each such license shall expire on December 31st following its date of issue unless sooner revoked for cause. One shall be deemed to be commercially engaged in such business, for the purposes of this act, if he sprays or dusts more than three (3) tracts of land besides his own.

(f) The Director of Agriculture may cancel or suspend any such license if he finds, after proper investigation, that the licensee has violated any provisions of this act or any lawful regulation which he may make. Such license shall not be transferable.

SEC. 3. All moneys collected under the provisions of this act shall be paid to the Director of Agriculture for use exclusively in the enforcement of this act.

Penalty.

SEC. 4. The violation of this act or any lawful regulation made in accordance herewith by the Director of Agriculture is hereby declared to be a misdemeanor.

Effective
immediately.

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 121.

[H. B. 324.]

DETENTION HOMES.

AN ACT relating to detention homes and permitting the establishment of truant schools in connection therewith; and amending section 13, chapter 160, Laws of 1913 (section 1987-13, Remington's Revised Statutes, also Pierce's Perpetual Code 359-25).

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

SECTION 1. Section 13, chapter 160, Laws of 1913 (section 1987-13, Remington's Revised Statutes, also Pierce's Perpetual Code 359-25), is amended to read as follows:

Amend-
ments.

Section 13. Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be sheltered, and in all counties maintaining a detention home, as herein provided, the County Commissioners, together with the Directors of any school district or districts, may establish in connection therewith a truant school for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age, who may be committed thereto on such terms and conditions as may be agreed upon between the Commissioners and the Directors of such school district or districts.

Maintenance
of truant
schools.

Passed the House February 24, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 122.

[H. B. 326.]

FISHING LICENSES.

AN ACT relating to fisheries; providing for the licenses for the taking or catching of salmon or other food or shell fish; and amending section 43, chapter 31, Laws of 1915, as last amended by section 1, chapter 170, Laws of 1929 (section 5695, Remington's Revised Statutes, also Pierce's Perpetual Code 555-3) and amending section 58, chapter 31, Laws of 1915, as last amended by section 4, chapter 90, Laws of 1923 (section 5711, Remington's Revised Statutes, also Pierce's Perpetual Code 555-5).

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

Amendments.

SECTION 1. Section 43, chapter 31, Laws of 1915, as last amended by section 1, chapter 170, Laws of 1929 (section 5695, Remington's Revised Statutes, also Pierce's Perpetual Code 555-3), is amended to read as follows:

License for taking food fish.

Section 43. No license for taking or catching salmon or other food fish required by this act shall be issued to any person who is not a citizen of the United States of the age of sixteen years or over, unless such person has declared his intention to become a citizen. Nor shall any license be issued to a corporation unless it is authorized to do business in this state, and unless the holders of a majority of its stock are citizens of the United States: *Provided*, That corporations authorized to do business in this state and holding fishing licenses on January 1, 1922, shall be entitled to licenses and to the renewal thereof from time to time and shall be unaffected by the provisions of this section. Nothing herein contained shall affect the existing fishing rights of Indians: *Provided, however*, No license shall be issued to any person taking or catching shell fish anywhere in the waters of the State of Washington; or taking or catching salmon or other food or shell fish in the tributaries of the Columbia River unless he be both

Requirements.

an actual resident of the State of Washington, for one year immediately preceding the application for such license and a citizen of the United States sixteen years of age or over.

SEC. 2. Section 58, chapter 31, Laws of 1915, as last amended by section 4, chapter 90, Laws of 1923 (section 5711, Remington's Revised Statutes, also Pierce's Perpetual Code 555-5), is amended to read as follows: Amendment.

Section 58. It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person is a citizen of the United States or has declared his intention to become such, and has a proper license to catch the kind of fish taken and use the method employed; but this section shall not apply to Indians in such manner as to affect their existing fishing rights. Citizenship
required.

Passed the House March 7, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 123.

[H. B. 329.]

SUPERVISOR OF BANKING.

AN ACT relating to the power of the Director of the Department of Finance, Budget and Business to appoint a Supervisor of Banking; fixing powers and qualifications for the Supervisor of Banking; and amending section 12, chapter 176, Laws of 1935 (section 10786-11, Remington's Revised Statutes, also Pierce's Perpetual Code 233-3).

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

Amend-
ments.

SECTION 1. That section 12, chapter 176, Laws of 1935 (section 10786-11, Remington's Revised Statutes, also Pierce's Perpetual Code 233-3), be amended to read as follows:

Supervisor
of Banking
created.

Section 12. The Director of Finance, Budget and Business shall appoint and deputize an Assistant Director to be known as the Supervisor of Banking, who shall have charge and supervision of the Division of Banking, and have power, with the approval of the Director, to appoint and employ such assistants and personnel as may be necessary to carry on the work of the division. No person shall be eligible for appointment as Supervisor of Banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer or stockholder.

Qualifica-
tions.

Passed the House February 26, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 124.

[H. B. 371.]

CONVEYANCE OF STATE LAND TO CITY OF CHEHALIS.

AN ACT authorizing and directing a conveyance of certain real estate to the City of Chehalis, a municipal corporation.

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

SECTION 1. The Governor is hereby authorized and directed to execute on behalf of the State of Washington and the Secretary of State to attest, a deed, conveying to the City of Chehalis, a municipal corporation, the following described real estate in Lewis County, Washington:

Part of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section 32, township fourteen (14) north, range two (2) west, W. M., between Williams Avenue on the north, 13th Street on the east, Johnson Avenue on the south and the Cowlitz-Chehalis and Cascade Railway on the southwest, excepting therefrom that part of the northwest (NW) corner occupied by the Washington State Highway Department, and containing 12.5 acres, more or less.

Transfer of certain state land to the city of Chehalis.

SEC. 2. The deed of conveyance shall contain the following conditional limitation: "To have and to hold for public park and playground purposes only; and if said property or any portion thereof has not been improved, used nor maintained as a public park or playground for a period of two (2) consecutive years, the title to said property or portion thereof shall revert to the state."

Purpose of use.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 125.

[H. B. 375.]

HIGHWAYS—TRANSFER OF UNUSED PORTIONS
TO COUNTIES.

AN ACT relating to state highways; providing for the transfer to the counties of unused portions of such highways lying outside of cities and towns; amending section 10, chapter 187, Laws of 1937 (section 6450-10, Remington's Revised Statutes, also Pierce's Perpetual Code 608-3); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 10, chapter 187, Laws of 1937 (section 6450-10, Remington's Revised Statutes, also Pierce's Perpetual Code 608-3), is amended to read as follows:

Transfer of
unused state
highways to
counties.

Section 10. All public highways in this state, outside incorporated cities and towns and not designated as primary state highways that have been used as public highways for a period of not less than seven years prior to the effective date of this act and are now so used, where the same have been worked and kept up at the expense of the public, and all public highways outside of incorporated cities and towns and not designated as primary state highways that may at any time hereafter be and for a period of not less than seven years prior thereto have been so used and the same worked and kept up at the expense of the public, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state, outside incorporated cities and towns and not designated as primary state highways that have been used as public highways for a period of not less than ten years prior to the effective date of this act and all public highways in this state outside of incorporated cities and towns and not designated as primary state highways or secondary state highways that may at any time here-

after be and for a period of not less than ten years prior thereto have been used as public highways, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state which have been a part of the route of a primary state highway or secondary state highway and have been or may hereafter be no longer necessary as such shall, upon certification thereof by the Director of Highways to the Board of County Commissioners of the county in which any portion of such highway may be located henceforth, be and become a county road of such county, and upon such certification the Director of Highways may certify to the Governor the abandonment of such highways, giving a description thereof, and the Governor may execute and the Secretary of State shall attest and deliver to such county a deed of conveyance on behalf of the state to such abandoned highways or portions thereof.

Conveyance
to counties.

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

Effective
immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 126.

[H. B. 378.]

TAXATION OF CONVEYANCES—EXEMPTIONS.

AN ACT relating to taxation of conveyances; providing for exemption from taxation of conveyances to the State of Washington; and amending section 53, chapter 180, Laws of 1935 (section 8370-53, Remington's Revised Statutes, also Pierce's Perpetual Code 968-1); and declaring an emergency.

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

Amendments.

SECTION 1. Section 53, chapter 180, Laws of 1935 (section 8370-53, Remington's Revised Statutes, also Pierce's Perpetual Code 968-1), is amended to read as follows:

Tax on conveyances.

Section 53. From and after the first day of May, 1935, there is hereby levied and there shall be collected a tax upon conveyances: Deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his, her or its direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred (\$100.00) dollars and does not exceed five hundred (\$500.00) dollars or fractional part thereof, 50 cents; and for each additional \$500.00 or fractional part thereof, 50 cents. This section shall not apply to any installment [instrument] or writing, given to secure a debt, nor to any conveyance to the State of Washington.

Exemption.

Effective immediately.

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

Passed the House March 2, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 127.

[H. B. 388.]

HIGHWAYS—TRANSFER OF UNUSED PORTIONS.

AN ACT relating to state highways; providing that the Director of Highways with the concurrence of the Attorney General and the Governor may transfer to the United States, its agencies and instrumentalities, municipal subdivisions of this state, and utility companies, any unused state highway real properties; prescribing the powers and duties of certain officers; providing for construction agreements between the State and Federal agencies; providing methods of payment therefor; and declaring an emergency.

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

SECTION 1. Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the Director of Highways and the Attorney General, such transfer and conveyance is consistent with public interest, the Director of Highways may enter into agreements accordingly. Whenever the Director of Highways shall make any such agreement for any such transfer or conveyance, and together with the Attorney General, certifies to the Governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the Governor may execute and the Secretary of State shall attest and deliver unto the United States Government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the State of Washington under

Transfer of unused highways to United States municipalities, public utilities.

any of the provisions hereof shall be deposited in the Motor Vehicle Fund.

Contracts for public works between state and Federal government.

SEC. 2. When in the opinion of the Director of Highways it appears that any state highway will be benefited or improved by the construction of any public works project within the State of Washington by any of the departments of the State of Washington, by the Federal Government, or by any agency, instrumentality or municipal corporation of either the State of Washington or the United States, the Director of Highways is hereby authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality or municipal corporation of either the State of Washington or the United States, wherein the State of Washington, acting through its Department of Highways, will participate in the cost of the public works project in such amount as may be determined by the Director of Highways to be the value of the benefits or improvements to the particular state highway derived from the construction of said public works project. Under any such agreement the Department of Highways may contribute to the cost of the public works project by making direct payment to the particular state department, Federal Government or to any agency, instrumentality or municipal corporation of either the state or the United States, or any thereof, which may be involved in said project, from any funds appropriated to the Department of Highways and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the Director of Highways.

Effective immediately.

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

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 128.

[H. B. 132.]

CITIES AND TOWNS—ANNEXATION OF TERRITORY.

AN ACT relating to the annexation to cities and towns of territory contiguous thereto and providing a method therefor.

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

SECTION 1. Any portion of a county not heretofore incorporated as a city or town lying contiguous to any city or town may become annexed to such city or town under the provisions of this act, and when so annexed shall become a part of said city or town: *Provided*, That whenever any such unincorporated territory is separated from any city or town by water, or by tide or shore lands on which no bona fide residence is maintained by any person, said unincorporated territory shall be deemed contiguous for all the purposes of this act.

Annexation
of additional
territory to
cities and
towns.

SEC. 2. Whenever a petition for annexation is filed with the city or town council, or commission in those cities having a commission form of government, which meets the requirements herein specified, of which fact satisfactory proof may be required by the council or commission, the council or commission may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the city or town. The notice shall also be posted in three (3) public places within the ter-

Petition.

Hearing.

ritory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition.

Contents of
Petition.

SEC. 3. The petition shall be in writing, signed by the owners of not less than seventy-five per cent (75%) in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, and shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat or drawing which outlines the boundaries, of the property sought to be annexed.

Ordinance of
annexation.

SEC. 4. Following the hearing, the council or commission shall determine by ordinance whether the annexation shall be made, and shall have power to omit any portion of the property from the annexation and to annex only a portion of the property described in the petition, but shall have no power to include in the annexation any property not described in the petition. The annexation shall be effective as of the date fixed in the ordinance. Upon passage of the ordinance of annexation a certified copy shall be filed with the Board of County Commissioners of the county in which the annexed property is located.

Taxation of
annexed
property.

SEC. 5. Upon the date fixed for annexation in the ordinance, the property so annexed shall become a part of the city or town and subject to all its laws and ordinances then and thereafter in force: *Provided*, That no property, within the limits of the annexed territory shall ever be taxed or assessed to pay any portion of any indebtedness of the city or town contracted prior to or existing at the date of such annexation; nor shall any of the annexed property be released from any taxes or assessments

levied against it or from liability for payment of outstanding bonds or warrants issued prior to said annexation.

SEC. 6. The method of annexation herein provided for shall be deemed cumulative and additional to any others.

Method cumulative.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 129.

[H. B. 401.]

DEPOSITARIES—SURETY BOND IN LIEU OF COLLATERAL.

AN ACT relating to depositaries for public funds, requiring of such depositaries a surety bond, or in lieu thereof the deposit of certain securities; authorizing the acceptance of insurance of deposits by the Federal Deposit Insurance Corporation; and amending section 2, chapter 37, Laws of 1907, as last amended by chapter 146, Laws of 1939 (section 5549, Remington's Revised Statutes, also Pierce's Perpetual Code 956-67); and amending section 4, chapter 37, Laws of 1907, as last amended by chapter 134, Laws of 1943 (section 5551, Remington's Revised Statutes, also Pierce's Perpetual Code 956-71).

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

SECTION 1. Section 2, chapter 37, Laws of 1907, as last amended by chapter 146, Laws of 1939 (section 5549, Remington's Revised Statutes, also Pierce's Perpetual Code 956-67), is amended to read as follows:

Amendment.

Section 2. Every state depositary, before it shall be entitled to receive any state moneys, shall deposit with the State Treasurer securities hereinafter enumerated as collateral and pledge for the payment on demand or at a specified future date, to him or his order, free of exchange at any place designated by

Security or
deposit re-
quired of
public de-
positories.

him, of all such moneys deposited with it and of interest thereon at the rate fixed by the State Finance Committee, if there has been no default in the payment of principal or interest thereon; (1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States. (2) Direct and general obligation bonds and warrants of the State of Washington or of any other state of the United States. (3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision of the State of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes. (4) Bonds issued by public utility districts as authorized under the provisions of section 6(f) chapter 1, Laws of 1931: *Provided, however,* That the State Finance Committee may accept from any depositary a good and sufficient bond of a surety company authorized to do business in this state, to be approved by said Finance Committee, as security and pledge for the payment on demand or at a specified future date to the State Treasurer or his order, free of exchange, at any place in this state designated by said Treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by said State Finance Committee, which bond shall be at least equal to the amount of the moneys to be received by said depositary of said state.

Investigation.

The finance committee may require the State Auditor or the Supervisor of Banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depositary, and may also as often as it deems

necessary require such investigation and report concerning the condition of any bank which may have been designated as such depository, the expense of such investigation to be borne by the depository examined.

SEC. 2. Section 4, chapter 37, Laws of 1907, as last amended by chapter 134, Laws of 1943 (section 5551, Remington's Revised Statutes, also Pierce's Perpetual Code 956-71), is amended to read as follows:

Amendment.

Section 4. The State Treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and such Treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depository shall not exceed ninety per cent of the value of the securities deposited by it, and: *Provided*, That in the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, and authorized to insure the repayment of bank deposits, said depository shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Liability of Treasurer.

Where deposit insured.

Passed the House February 27, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 130.

[H. B. 405.]

PUBLIC UTILITIES AND PUBLIC UTILITY DISTRICTS
- WHOLESALE ELECTRIC POWER.

AN ACT relating to public utilities and public utility districts; providing for wholesale electric service to them under supervision of the Department of Public Service; making certain provisions as to condemnation proceedings brought by them, and as to planning; declaring that this act shall take effect immediately.

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

Preamble.

SECTION 1. The legislature has found that the public utility districts of this state, including several which at the present moment are completing the acquisition of electrical properties and the sale of revenue bonds, have immediate need for this act, in order to effectuate timely arrangements for their wholesale power requirements, clarify their condemnation procedure, and plan their operations.

Rates on
wholesale
power.

SEC. 2. Whenever a decree of public use and necessity heretofore has been or hereafter shall be entered in condemnation proceedings conducted by a public utility district for the acquisition of electrical distribution properties, or whenever it has executed a contract for the purchase of such properties, the district may cause to be filed with the Department of Public Service a copy of such contract or a certified copy of the decree, together with a petition requesting that the Department cause a rate to be filed with it for the sale of wholesale power to the district. Thereupon the Department of Public Service shall order that a rate be filed with the Department forthwith for the sale of wholesale power to such district. The term "wholesale power" means electric energy sold for purposes of resale. The Department shall have authority to enter such order as to any public service corporation which owns or

operates the electrical distribution properties being condemned or purchased or as to any such corporation which owns or operates transmission facilities within a reasonable distance of such distribution properties and which engages in the business of selling wholesale power, pursuant to contract or otherwise. The rate filed shall be for the period of service specified by the district, or if the district does not specify a particular period, such rate shall apply from the commencement of service until the district terminates same by thirty days' written notice.

Upon reasonable notice, any such public service corporation shall furnish wholesale power to any public utility district owning or operating electrical distribution properties. Whenever a public service corporation shall furnish wholesale power to a district and the charge or rate therefor is reviewed by the Department, such reasonable rate as the Department finally may fix shall apply as to power thereafter furnished and as to that previously furnished under such charge or rate from the time that the complaint concerning the same shall have been filed by the Department or the district, as the case may be.

Power of
department
over whole-
sale rates.

SEC. 3. In any condemnation proceeding heretofore or hereafter instituted or conducted by a public utility district for the acquisition of properties, the district may serve upon the condemnee's attorneys of record and file with the court a notice of its intention to present a decree of appropriation together with a demand for a verified statement showing in reasonable detail the following information with respect to the operation of the properties since the date of verdict, if the case was tried by jury, or since the date of the judgment fixing compensation, if the case was tried by the court, namely: the cost of any improvements and betterments to the properties which were reasonably necessary and prudently

Require-
ments
of utilities
upon con-
demnation.

Information
required.

made; the gross income received from the properties, betterments and improvements; the actual reasonable expense, exclusive of depreciation, incurred in the operation thereof. If the condemnee fails to serve and file the statement within fifteen days after service of the demand therefor, it may be compelled to do so by contempt proceedings, and the time during which such proceedings are pending shall not be considered in computing the time within which the district may exercise its right of appropriation. After the statement is filed, the district may pay the amount of the verdict or judgment plus (1) accrued interest thereon less the net income before allowance for depreciation, and (2) the cost of such improvements and betterments, all as shown by the sworn statement, and concurrently obtain its decree of appropriation. The condemnee may retire from use after the verdict or judgment such items of the properties as may be reasonably necessary in the ordinary and usual course of operation thereof, in which case it shall show in its statement the reasonable value of such items retired, and the district may deduct such value from the sum otherwise payable by it. If the condemnee fails to file the statement within fifteen days after service of the demand therefor, the district at its option may pay the full amount of the judgment or verdict plus accrued interest thereon and concurrently obtain a decree of appropriation.

Accounting
after con-
demnation.

After payment has been made and the decree of appropriation entered as provided in this section, the district or the condemnee shall be entitled to an accounting in the condemnation proceedings to determine the true amount of each item required to be furnished in the above statement, and to payment of any balance found due in such accounting.

Whenever any such condemnation proceedings have been, or hereafter may be abandoned, no new

proceedings for the acquisition of the same or substantially similar properties shall be instituted until the expiration of one year from the date of such abandonment, but such proceedings may be instituted at any time thereafter.

Procedure upon abandonment.

SEC. 4. In order that the commissioners of a public utility district may be better able to plan for the marketing of power and for the development of resources pertaining thereto, they shall have the same powers as are vested in a Board of County Commissioners as provided in chapter 44, Laws of 1935 (sections 9322-2 to 9322-4, both inclusive, and 9322-10 to 9322-11 inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 776-1 to -7, 776-19 and -21), entitled: "An Act relating to city, town, county and regional planning and the creation, organization, duties and powers of planning commissions." For purposes of such act, the president of a public utility district shall have the powers of the chairman of the Board of County Commissioners, and a planning commission created hereunder shall have the same powers, enumerated in the above sections, with reference to a public utility district as a county planning commission has with reference to a county.

Additional powers of utility districts.

SEC. 5. 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. 6. This act is necessary for the support of state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the House March 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 131.

[H. B. 427.]

IRRIGATION, DIKING AND DRAINAGE DISTRICTS—
FORECLOSURES—DEEDS.

AN ACT relating to irrigation, diking or drainage districts; pre-
scribing the form and contents of deeds issued on fore-
closure of assessments; amending section 30, chapter
XXI (21), Laws of 1889-90, as amended by section 1, chap-
ter 256, Laws of 1943 (section 7448, Remington's Revised
Statutes, also Pierce's Perpetual Code 679-111).

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

Amendment.

SECTION 1. That section 30, chapter XXI (21),
Laws of 1889-90, as amended by section 1, chapter
256, Laws of 1943 (section 7448, Remington's Revised
Statutes, also Pierce's Perpetual Code 679-111), be
amended to read as follows:

Section 30. The matter recited in the certificate
of sale must be recited in the deed, and such deed
duly acknowledged or proved is prima facie evidence
that--

Contents
of deed.

First: That property was assessed as required
by law.

Second: That property was equalized as re-
quired by law.

Third: That the assessments were levied in ac-
cordance with the law.

Fourth: The assessments were not paid.

Fifth: At a proper time and place the property
was sold as prescribed by law and by the proper
officers.

Sixth: The property was not redeemed.

Seventh: The person who executed the deed
was the proper officer.

Eighth: Such deed, duly acknowledged or
proved is (except as against actual fraud) conclusive
evidence of the regularity of all the proceedings
from the assessments by the secretary, inclusive, up
to the execution of the deed.

Ninth: When the grantee in the deed is a party other than the irrigation district or the county, the deed conveys to the grantee the absolute title to the lands described therein, free from all encumbrances, except general taxes, drainage or diking district assessments, drainage or diking improvement district assessments, and all existing irrigation district assessments.

Contents
of deed.

Tenth: When the grantee in the deed is the irrigation district or the county, the deed conveys to the grantee the absolute title to the lands described therein, free from all encumbrances except drainage or diking district assessments or installments thereof not delinquent at the time of sale, drainage or diking improvement district assessments or installments thereof not delinquent at the time of the sale, also except all existing irrigation district assessments or installments thereof not delinquent at the time of the sale, pursuant to which deed is issued.

Eleventh: If the irrigation district reconveys, which it may do upon installments or for cash, any lands so acquired by it to a grantee who has a right to such reconveyance under section 7445 of Remington's Revised Statutes, the grantee before receiving deed, shall pay all general taxes, drainage or diking district assessments, drainage or diking improvement district assessments and irrigation district assessments which have been cancelled by the deed to the irrigation district, such payment being made to the County Treasurer for the benefit of the respective taxing districts entitled thereto, and such grantee shall also pay any expenses of the irrigation district incurred in caring for, operating, or improving said land.

Twelfth: All proceeds received by a county or irrigation district from any lands so acquired, shall be paid to the County Treasurer, and by him distributed pro rata between the county, the irrigation districts, the drainage or diking district, the drainage

Contents
of deed.

or diking improvement districts, and the local improvement districts holding liens against said lands at the time the county or the irrigation district acquired title, in proportion to the amounts of the respective liens: *Provided*, That there can be first deducted therefrom and reimbursed to the district or county advancing same, any expenses incurred in caring for, operating, or improving said land: *Provided further*, That as an alternative method, where an irrigation district or a county has heretofore or may hereafter be the grantee, such district or county has the right to pay all general taxes, irrigation, drainage or diking district or diking or drainage improvement district assessments, which were cancelled by deed to such district or county, and upon such payments being made the irrigation district or the county shall be the absolute owner of the land and upon sale thereof entitled to retain all the proceeds of sale.

Thirteenth: When the land is owned by the United States, or this state, the provisions of subsections nine, ten and eleven shall not apply, and in such cases the deed shall be *prima facie* evidence of the right of possession.

Passed the House March 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 132.

[H. B. 462.]

DEPENDENT AND DELINQUENT CHILDREN.

AN ACT relating to dependent and delinquent children; providing for their custody; and amending section 12, chapter 160, Laws of 1913 (section 1987-12, Remington's Revised Statutes, also Pierce's Perpetual Code 359-23).

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

SECTION 1. Section 12, chapter 160, Laws of 1913 (section 1987-12, Remington's Revised Statutes, also Pierce's Perpetual Code 359-23), is amended to read as follows: Amendment.

Section 12. When, in any county where a Juvenile Court is held, a child under the age of eighteen years is taken into custody by a parole, peace, police or probation officer, such child shall be taken directly before such Court, or placed in the detention home or place under the jurisdiction of such Court, or into the custody of the court probation officer: *Provided*, That if the parent, guardian, custodian or a responsible relative of the child furnishes the officer a signed statement agreeing to produce the child at the next Juvenile Court session, the child may be released to the signer of the statement. Any such signer who fails, without just cause shown to the Court, to produce such child as agreed, shall be guilty of contempt of court and may be punished accordingly. Procedure for custody of juveniles.

The court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the Court upon petition as hereinbefore provided. In any such case, the Court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for such purpose. Pending final disposition of the case the Court may make such disposition of the custody of the child Notice. Investigation.

as it shall deem for the best welfare of the child. If, upon investigation, it shall appear that a child has been arrested upon the charge of having committed a crime, the Court, in its discretion, may order such child to be turned over to the proper officers for trial under the provisions of the criminal code.

Custody of juveniles reported immediately to court.

Nothing in this section shall be construed as forbidding any peace officer, police officer or probation officer from immediately taking into custody, without process, any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals or welfare, unless immediate action is taken. In every such case, the officer taking the child into custody shall immediately report the fact to the Juvenile Court and the case shall then be proceeded with as provided in this act.

Identification regulated.

SEC. 2. Neither the fingerprints nor a photograph shall be taken of any child under the age of eighteen years taken into custody for any purpose without the consent of Juvenile Court.

Passed the House March 2, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 133.

[H. B. 474.]

DEPARTMENT OF FISHERIES—PURCHASE OF BOATS.

AN ACT authorizing the purchase of boats by the Department of Fisheries from the United States Government; providing for the operation thereof; and declaring an emergency.

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

SECTION 1. The Director of Fisheries is hereby authorized to purchase from the United States Government, or any of its departments or agencies, a boat or boats for the Department of Fisheries.

Fisheries department may purchase boats.

SEC. 2. There is hereby appropriated to the Department of Fisheries from moneys not otherwise appropriated of the General Fund, the sum of seventy-five thousand dollars (\$75,000), or as much thereof as may be necessary to purchase, repair, maintain and operate said boat or boats and to carry out the provisions of this act.

Appropriation.

SEC. 3. This act is necessary for the immediate preservation of the state government and its existing public institutions and shall become effective April 1, 1945.

Effective immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 134.

[H. B. 480.]

DELINQUENT PROPERTY TAXES.

AN ACT relating to payments on agreements for the payment of delinquent property taxes in installments, validating certain payments, and declaring an emergency.

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

Purpose of act.

SECTION 1. Chapter 53, Laws of 1933; chapter 51, Laws Extraordinary Session, 1933; chapter 166, Laws of 1935; chapter 57, Laws of 1937; chapter 104, Laws of 1939; chapter 144, Laws of 1941; and chapter 223, Laws of 1943; respectively, provide, in effect, that under certain circumstances and subject to certain conditions certain persons could enter into agreements to pay delinquent property taxes in installments, and further provide, in effect, that, in the event two successive installments were not paid on or before the date when due, or in the event that an installment of taxes due in the year of enactment or any year thereafter was not paid within twelve months after the same became delinquent, the agreement would become void and of no effect whatsoever.

SEC. 2. Notwithstanding the above mentioned provisions relative to the voidance of such agreements, and after the time limitation thereby set for making payments had expired, certain payments were made in good faith by persons interested, in the belief that such payments preserved or restored their rights under such agreements, and such payments were accepted by certain County Treasurers in the state.

Prior payments validated.

SEC. 3. Any such payment heretofore so made, or that shall hereafter be so made, at any time on or before July 31, 1945, is hereby validated and legalized so that its effect is or shall be the same as though made within the time prescribed in the ap-

plicable statute. After such date every such agreement shall become void, without further official action, whenever payment is not made strictly within the time prescribed by law, and any later payment thereafter made or accepted shall be illegal and shall be returned to the person who made such payment.

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

Effective
immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 135.

[H. B. 69.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; and amending section 9, chapter 175, Laws of 1915, as amended by section 1, chapter 178, Laws of 1927 (section 3321, Remington's Compiled Statutes, also Pierce's Perpetual Code 316-17).

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

SECTION 1. Section 9, chapter 175, Laws of 1915, as amended by section 1, chapter 178, Laws of 1927 (section 3321, Remington's Compiled Statutes, also Pierce's Perpetual Code 316-17), is amended to read as follows:

Amend-
ments.

Section 9. When the portion of the guaranty fund created from earnings shall amount to not less than five thousand dollars (\$5,000.00) (including in the case of a savings bank converted from a building and loan association or society the amount of the initial guaranty fund), the board of trustees, with the written consent of the Supervisor of Banking, may establish a reimbursement fund from which to repay contributors to the expense fund and the initial

Guaranty
funds of
mutual sav-
ings banks.

guaranty fund (excepting the initial guaranty fund in the case of a bank converted from a building and loan or savings and loan association or society), and may transfer to the reimbursement fund any unexpended balance of contributions to the expense fund. At the close of each dividend period the trustees may place to the credit of the reimbursement fund not more than one per cent of the net earnings of the bank during that period. Payments from the reimbursement fund may be made from time to time in such amounts as the board of trustees shall determine, and shall be made first to the contributors to the expense fund in proportion to their contributions thereto until they shall have been repaid in full, and then shall be made to the contributors to the guaranty fund in proportion to their contributions thereto until they shall have been repaid in full. In case of the liquidation of the savings bank before the contributions to the expense fund and the initial guaranty fund have been fully repaid as above contemplated, any portion of the contributions not needed for the payment of the expenses of liquidation and the payment of depositors in full shall be paid to the contributors to the expense fund in proportion to their contributions thereto until they shall have been repaid in full, and then shall be paid to the contributors to the guaranty fund in proportion to their contributions thereto until they shall have been repaid in full.

Passed the House February 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 136.

[H. B. 112.]

FRAUDULENT CONVEYANCES.

AN ACT concerning fraudulent conveyances, to make uniform the law relating thereto, and repealing all laws in conflict herewith.

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

SECTION 1. (Definition of terms.) In this act "Assets" of a debtor means property not exempt from liability for his debts. To the extent that any property is liable for any debts of the debtor, such property shall be included in his assets.

Definitions.

Assets.

"Conveyance" includes every payment of money, assignment, release, transfer, lease, mortgage or pledge of tangible or intangible property, and also the creation of any lien or incumbrance, except when given to a trustee or assignee for the benefit of all unsecured creditors.

Conveyance.

"Creditor" is a person having any claim, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

Creditor.

"Debt" includes any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

Debt.

SEC. 2. (Insolvency.) (1) A person is insolvent when the present fair salable value of his assets is less than the amount that will be required to pay his probable liability on his existing debts as they become absolute and matured.

Insolvency.

(2) In determining whether a partnership is insolvent there shall be added to the partnership property the present fair salable value of the separate assets of each general partner in excess of the amount probably sufficient to meet the claims of his separate creditors, and also the amount of any unpaid subscription to the partnership of each limited partner, provided the present fair salable value of

the assets of such limited partner is probably sufficient to pay his debts, including such unpaid subscription.

Fair consideration.

SEC. 3. (Fair Consideration.) Fair consideration is given for property, or obligation,

(a) When in exchange for such property, or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or an antecedent debt is satisfied, or

(b) When such property, or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared with the value of the property, or obligation obtained.

Conveyances by insolvents.

SEC. 4. (Conveyances by Insolvent.) Every conveyance made and every obligation incurred by a person who is or will be thereby rendered insolvent is fraudulent as to creditors without regard to his actual intent if the conveyance is made or the obligation is incurred without a fair consideration.

Persons in business.

SEC. 5. (Conveyances by Persons in Business.) Every conveyance made without fair consideration when the person making it is engaged or is about to engage in a business or transaction for which the property remaining in his hands after the conveyance is an unreasonably small capital, is fraudulent as to creditors and as to other persons who become creditors during the continuance of such business or transaction without regard to his actual intent.

Persons about to incur debts.

SEC. 6. (Conveyances by a Person about to Incur Debts.) Every conveyance made and every obligation incurred without fair consideration when the person making the conveyance or entering into the obligation intends or believes that he will incur debts beyond his ability to pay as they mature, is fraudulent as to both present and future creditors.

SEC. 7. (Conveyance of Partnership Property.) Every conveyance made and every obligation in-

curred with actual intent, as distinguished from intent presumed in law, to hinder, delay or defraud either present or future creditors, is fraudulent as to both present and future creditors.

Partnership
property.

SEC. 8. (Conveyance of Partnership Property.) Every conveyance of partnership property and every partnership obligation incurred when the partnership is or will be thereby rendered insolvent, is fraudulent as to partnership creditors, if the conveyance is made or obligation is incurred,

(a) To a partner, whether with or without a promise by him to pay partnership debts, or

(b) To a person not a partner without fair consideration to the partnership as distinguished from consideration to the individual partners.

SEC. 9. (Rights of Creditors Whose Claims Have Matured.) (1) Where a conveyance or obligation is fraudulent as to a creditor, such creditor, when his claim has matured, may, as against any person except a purchaser for fair consideration without knowledge of the fraud at the time of the purchase, or one who has derived title immediately or mediately from such a purchaser,

Rights of
creditors.

(a) Have the conveyance set aside or obligation annulled to the extent necessary to satisfy his claim, or

(b) Disregard the conveyance and attach or levy execution upon the property conveyed.

(2) A purchaser who without actual fraudulent intent has given less than a fair consideration for the conveyance or obligation, may retain the property or obligation as security for repayment.

SEC. 10. (Rights of Creditors Whose Claims Have Not Matured.) Where a conveyance made or obligation incurred is fraudulent as to a creditor whose claim has not matured he may proceed in a court of competent jurisdiction against any person against

whom he could have proceeded had his claim matured, and the court may,

(a) Restrain the defendant from disposing of his property,

(b) Appoint a receiver to take charge of the property,

(c) Set aside the conveyance or annul the obligation, or

(d) Make any order which the circumstances of the case may require.

Cases not provided for.

SEC. 11. (Cases not Provided for in Act.) In any case not provided for in this act the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, and the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause shall govern.

Construction of act.

SEC. 12. (Construction of Act.) 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.

Name of act.

SEC. 13. (Name of Act.) This act may be cited as the Uniform Fraudulent Conveyance Act.

Inconsistent acts repealed

SEC. 14. (Inconsistent Legislation Repealed.) All acts or parts of acts inconsistent with this act are hereby repealed.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 137.

[H. B. 114.]

PARTNERSHIPS.

AN ACT to make uniform the law of partnerships, and repealing all laws in conflict herewith.

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

PART I.

PRELIMINARY PROVISIONS.

SECTION 1. *Name of Act.* This act may be cited as Uniform Partnership Act. Uniform partnership act.

SEC. 2. *Definition of Terms.* In this act, "Court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession. Definitions.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real property" includes land and any interest or estate in land.

SEC. 3. *Interpretation of Knowledge and Notice.* Interpretation of knowledge and notice.
 (1) A person has knowledge of a fact within the meaning of this act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has notice of a fact within the meaning of this act when the person who claims the benefit of the notice:

- (a) States the fact to such person, or
- (b) Delivers through the mail, or by other means of communication, a written statement of the fact

to such person or to a proper person at his place of business or residence.

Rules of construction.

SEC. 4. *Rules of Construction.* (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(2) The law of estoppel shall apply under this act.

(3) The law of agency shall apply under this act.

(4) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This act shall not be construed so as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

Cases not provided for.

SEC. 5. *Rules for Cases not Provided for in this Act.* In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

PART II.

NATURE OF A PARTNERSHIP.

Partnership defined.

SEC. 6. *Partnership Defined.* (1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this act, unless such association would have been a partnership in this state prior to the adoption of this act; but this act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

SEC. 7. *Rules for Determining the Existence of a Partnership.* In determining whether a partnership exists, these rules shall apply:

Rules for determining partnership.

(1) Except as provided by section 16 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

- (a) As a debt by installments or otherwise,
- (b) As wages of an employee or rent to a landlord,
- (c) As an annuity to a widow or representative of a deceased partner,
- (d) As interest on a loan, though the amount of payment vary with the profits of the business,
- (e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

SEC. 8. *Partnership Property.* (1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

Partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

PART III.

RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP.

Partner
agent.

SEC. 9. *Partner Agent of Partnership as to Partnership Business.* (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

(b) Dispose of the good will of the business,

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership,

(d) Confess a judgment,

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

SEC. 10. *Conveyance of Real Property of the Partnership.* (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of section 9, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

Conveyance
of real prop-
erty of
partnership.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of section 9.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of section 9, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the

authority of the partner under the provisions of paragraph (1) of section 9.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

Admissions
of partner.

SEC. 11. *Partnership Bound by Admission of Partner.* An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this act is evidence against the partnership.

Notice to
partner.

SEC. 12. *Partnership Charged with Knowledge of or Notice to Partner.* Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Wrongful
act of
partner.

SEC. 13. *Partnership Bound by Partner's Wrongful Act.* Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his co-partners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Breach
of trust.

SEC. 14. *Partnership Bound by Partner's Breach of Trust.* The partnership is bound to make good the loss:

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

SEC. 15. *Nature of Partner's Liability.* All partners are liable Partner's liability.

(a) Jointly and severally for everything chargeable to the partnership under sections 13 and 14.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

SEC. 16. *Partner by Estoppel.* (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made. Partner by estoppel.

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with

one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

Incoming partner.

SEC. 17. *Liability of Incoming Partner.* A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

PART IV.

RELATIONS OF PARTNERS TO ONE ANOTHER.

SEC. 18. *Rules Determining Rights and Duties of Partners.* The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

Relations of partners.

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

SEC. 19. *Partnership Books.* The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Partnership books.

SEC. 20. *Duty of Partners to Render Information.* Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

Duties.

SEC. 21. *Partner Accountable as a Fiduciary.*
 (1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the for-

Partner accountable.

mation, conduct, or liquidation of the partnership or from any use by him of its property.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

Right to
an account.

SEC. 22. *Right to an Account.* Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession of its property by his co-partners,

(b) If the right exists under the terms of any agreement,

(c) As provided by section 21,

(d) Whenever other circumstances render it just and reasonable.

Continuation
of partner-
ship.

SEC. 23. *Continuation of Partnership Beyond Fixed Term.* (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

PART V.

PROPERTY RIGHTS OF A PARTNER.

Property
rights.

SEC. 24. *Extent of Property Rights of a Partner.* The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

SEC. 25. *Nature of a Partner's Right in Specific Partnership Property.* Specific property.

(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin.

SEC. 26. *Nature of Partner's Interest in the Partnership.* Nature of interest. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

Assignment. **SEC. 27. *Assignment of Partner's Interest.*** (1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignees, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

**Interest sub-
ject to
charging
order.**

SEC. 28. *Partner's Interest Subject to Charging Order.* (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

PART VI.

DISSOLUTION AND WINDING UP.

SEC. 29. *Dissolution Defined.* The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business. Dissolution.

SEC. 30. *Partnership not Terminated by Dissolution.* On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed. Causes.

SEC. 31. *Causes of Dissolution.* Dissolution is caused:

(1) Without violation of the agreement between the partners,

(a) By the termination of the definite term or particular undertaking specified in the agreement;

(b) By the express will of any partner when no definite term or particular undertaking is specified;

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking;

(d) By the expulsion of any partner from the business *bona fide* in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

- (4) By the death of any partner;
- (5) By the bankruptcy of any partner of the partnership;
- (6) By decree of court under section 32.

Dissolution
by decree.

SEC. 32. *Dissolution by decree of Court.* (1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under sections 27 and 28:

(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

Effect of
dissolution.

SEC. 33. *General Effect of Dissolution on Authority of Partner.* Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

- (1) With respect to the partners,
 - (a) When the dissolution is not by the act, bankruptcy or death of a partner; or
 - (b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where section 34 so requires.
- (2) With respect to persons not partners, as declared in section 35.

SEC. 34. *Right of Partner to Contribution from Co-partners after Dissolution.* Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless

Rights of partner on dissolution.

- (a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or
- (b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

SEC. 35. *Power of Partner to Bind Partnership to Third Persons After Dissolution.* (1) After dissolution a partner can bind the partnership except as provided in Paragraph (3),

Power to bind partner after dissolution.

- (a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;
- (b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction
 - (I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or
 - (II) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dis-

solution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

Power to
bind partner
after
dissolution.

(2) The liability of a partner under Paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who

(I) Had an extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in Paragraph (1bII).

(4) Nothing in this section shall affect the liability under section 16 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

SEC. 36. *Effect of Dissolution on Partner's Existing Liability.*

(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

Effect of dissolution on partner's existing liability.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

SEC. 37. *Right to Wind Up.* Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs: *Provided, however,* That any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

SEC. 38. *Rights of Partners to Application of Partnership Property.* (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his co-partners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the

Rights of partners.

surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, *bona fide* under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under section 36 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have,

Rights of
partners.

(I) All the rights specified in paragraph (1) of this section, and

(II) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of this section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

(I) If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII), of this section,

(II) If the business is continued under paragraph (2b) of this section the right as against his co-

partners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his co-partners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered.

SEC. 39. *Rights Where Partnership is Dissolved for Fraud or Misrepresentation.* Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled,

Rights when
dissolution
for fraud.

(a) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

SEC. 40. *Rules for Distribution.* In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

Rules for
distribution.

(a) The assets of the partnership are:

(I) The Partnership property.

(II) The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

(I) Those owing to creditors other than partners,

(II) Those owing to partners other than for capital and profits,

(III) Those owing to partners in respect of capital,

(IV) Those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

Rules for
distribution.

(d) The partners shall contribute, as provided by section 18 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contribution specified in clause (d) of this paragraph.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

- (I) Those owing to separate creditors,
- (II) Those owing to partnership creditors,
- (III) Those owing to partners by way of contribution.

SEC. 41. *Liability of Persons Continuing the Business in Certain Cases.* (1) When any new partner is admitted into existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two (2) or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

Liability for continuing in business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to

one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of section 38 (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

Liability for
continuing
in business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

SEC. 42. *Rights of Retiring or Estate of Deceased Partner When the Business is Continued.* When any partner retires or dies, and the business is continued under any of the conditions set forth in section 41 (1, 2, 3, 5, 6), or section 38 (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership: *Provided*, That the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section as provided by section 41 (8) of this act.

Rights of
retiring
partner.

SEC. 43. *Accrual of Actions.* The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

SEC. 44. *Legislation Repealed.* All acts or parts of acts inconsistent with this act are hereby repealed.

Acts repealed

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 138.

[H. B. 127.]

GRAIN—STANDARD WEIGHTS.

AN ACT fixing standard weights of containers for wheat and corn flours, corn meals, hominy, and hominy grits, and providing a penalty.

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

Standard weights for containers of grain.

SECTION 1. It is unlawful for any person, partnership, corporation, company, cooperative society, or organization to pack for sale, sell, offer or expose for sale any of the following commodities, except in containers of net avoirdupois weights of five, ten, twenty-five, fifty, and one hundred pounds, and multiples of one hundred pounds; wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits: *Provided*, That these provisions shall not apply to (1) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (2) the sale of flours and meals to commercial bakers or blenders in containers of more than one hundred pounds or for export, or (3) flours, meals, hominy and hominy grits packed in containers the net contents of which are less than five pounds, or (4) the exchange of wheat for flour by mills grinding for toll.

Penalty.

SEC. 2. Any violation of this act is a misdemeanor.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 139.

[H. B. 203.]

ARMED FORCES—POWER OF ATTORNEY.

AN ACT concerning powers of attorney granted by persons serving in or present with the armed forces of the United States, and others, and declaring an emergency.

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

SECTION 1. No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes either (a) a member of the armed forces of the United States, or (b) a person serving as a merchant seaman outside the limits of the United States, included within the 48 States and the District of Columbia; or (c) a person outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

Powers of attorney granted by members of the armed forces.

SEC. 2. An affidavit, executed by the attorney-in-fact or agent, setting forth that the maker of the power of attorney is a member of the armed forces of the United States or within the class of persons described in section 1 hereof, and that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination

of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the non-revocation or non-termination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, such affidavit shall likewise be recordable.

SEC. 3. No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

SEC. 4. This act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

Partial
invalidity.

SEC. 5. If any provision of this act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application 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.

Effective
immediate'y.

SEC. 6. This act is necessary for the preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 17, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 140.

[H. B. 168.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; providing for the reorganization of existing sewer districts; and amending sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 34, 41, 42 and 47, chapter 210, Laws of 1941 (sections 9425-10, -11, -12, -13, -15, -16, -17, -18, -19, -20, -26, -27, -43, -50, -51, and -56, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1 to -4, -6 to -11, -17, -18, -34, -41, -42, -47); and amending sections 1 and 2, chapter 74, Laws of 1943 (sections 9425-10 and -20, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1, -3).

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

SECTION 1. Section 1, chapter 210, Laws of 1941, as amended by section 1, chapter 74, Laws of 1943 (section 9425-10, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1), is amended to read as follows:

Amend-
ment.

Section 1. Sewer districts for the acquirement, construction, maintenance, operation, development, reorganization, 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 or reorganized in the various counties of this state. Such districts may include within their boundaries portions or all of one or more incorporated cities or towns or other political sub-divisions: *Provided, however,* No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority: *Provided, however,* That such reorganization of any existing sewer district shall not affect the outstanding bonds, warrants or other indebtedness incurred by such district prior to its reorganization.

Reorganiza-
tion of
sewer
districts.

SEC. 2. Section 2, chapter 210, Laws of 1941 (section 9425-11, Remington's Revised Statutes, also

Amend-
ments.

Pierce's Perpetual Code 913-3), is amended to read as follows:

Procedure for formation or reorganization.

Section 2. For the purpose of formation or reorganization 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 or reorganization of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment or reorganization 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: *Provided, If* in the opinion of the County Health Officer the existing sewerage disposal facilities are inadequate in the district to be created only, and it is for the public welfare, then the Board of County Commissioners of such county may declare a Sewerage Disposal District a necessity, and such district shall be organized under the provisions of chapter 210, Laws of 1941, and all amendments thereto. The said petition or resolution shall be filed with the County Auditor, who shall, 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 subdivision 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 or resolution is certified to contain a suffi-

cient number of signatures, or if in the opinion of the County Health Officer the existing sewerage disposal facilities are a menace to the health and convenience of the public, the Board of County Commissioners may, by resolution, and not otherwise, declare a sewerage district a necessity, 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.

SEC. 3. Section 3, chapter 210, Laws of 1941 (section 9425-12, Remington's Revised Statutes, also Pierce's Perpetual Code 913-5), is amended to read as follows:

Amend-
ment.

Section 3. When such a petition or resolution 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 or reorganization 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 or reorganized 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

Procedure
for forma-
tion or re-
organization.

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 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.

Amend-
ment.

SEC. 4. Section 4, chapter 210, Laws of 1941 (section 9425-13, Remington's Revised Statutes, also Pierce's Perpetual Code 913-7), is amended to read as follows:

Election.

Section 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 or reorganized 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 or reorganized sewer district is located, which notice shall set forth the hours during which such polls will be open, boundaries of the proposed or reorganized sewer district as finally adopted by the said County Commissioners and the object of such election, and the said notice shall also be posted for ten (10) days in ten (10) public places in said proposed or reorganized sewer

district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

- Sewer DistrictYes Election.
- Sewer DistrictNo

or in the reorganization of a district, such proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization.....Yes
- Sewer District Reorganization.....No

giving in each instance the name of such district as may be or may have been decided by the Board of County Commissioners. There shall not be less than one (1) polling place in each precinct in such district.

SEC. 5. Section 6, chapter 210, Laws of 1941 (section 9425-15, Remington's Revised Statutes, also Pierce's Perpetual Code 913-11), is amended to read as follows: Amendment.

Section 6. If at such election a majority of the voters in each district voting upon such proposition shall vote in favor of the formation or reorganization of such district and/or districts, 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). Election.

SEC. 6. Section 7, chapter 210, Laws of 1941 (section 9425-16, Remington's Revised Statutes, also Pierce's Perpetual Code 913-13), is amended to read as follows: Amendment.

Section 7. At the same election at which the proposition is submitted to the voters as to whether the sewer district shall be formed or reorganized, three (3) sewer commissioners shall be elected to

Sewer
commis-
sioners.

hold office respectively for the terms of two (2), four (4) and six (6) 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 every two years, an election for a Sewer Commissioner to hold office for a period of six (6) years and until a 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 every two (2) years an election for a Sewer Commissioner to hold office for six (6) years and until his successor is elected and qualified.

Amend-
ment.

SEC. 7. Section 8, chapter 210, Laws of 1941 (section 9425-17, Remington's Revised Statutes, also Pierce's Perpetual Code 913-15), is amended to read as follows:

Contents of
petition.

Section 8. Nominations for Sewer Commissioners shall be by petition of at least ten per cent (10%) of the qualified electors of such proposed or reorganized 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.

All expense of elections for the formation or reorganization of such sewer districts shall be paid by the county in which said election is held 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 sewer district if formed, or reorganized.

Expense
paid by
county.

SEC. 8. Section 9, chapter 210, Laws of 1941 (section 9425-18, Remington's Revised Statutes, also Pierce's Perpetual Code 913-17), is amended to read as follows:

Amend-
ment.

Section 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 6 of this amendment, 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

Board of
sewer
commis-
sioners.

a book or books kept for such purpose, which shall be public records.

Amend-
ments.

SEC. 9. Section 10, chapter 210, Laws of 1941 (section 9425-19, Remington's Revised Statutes, also Pierce's Perpetual Code 913-19), is amended to read as follows:

Section 10. All sewer districts organized or reorganized 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, or reorganized. 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 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

Power of
eminent
domain.

for the purposes aforesaid, it shall be lawful for any sewer district so organized or reorganized in this state to conduct sewage throughout such sewer district and throughout other political sub-division[s] 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.

Power of eminent domain.

SEC. 10. Section 11, chapter 210, Laws of 1941, as amended by section 2, chapter 74, Laws of 1943 (section 9425-20, Remington's Revised Statutes, also Pierce's Perpetual Code 913-21), is amended to read as follows:

Amendments.

Section 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 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

Duties of commissioners.

Plan of
commis-
sioners.

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 or reorganization 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.

In the event the sewer district includes portions or all of one or more incorporated cities or towns, such comprehensive scheme or plan shall be submitted also to, and approved by resolution of, the legislative authority of such cities and towns before being submitted at a general or special election as hereinafter provided: *Provided*, That this and the next five (5) sections (sections 12, 14, 15, and 16, chapter 210, Laws of 1941, and section 13, as amended by section 3, chapter 74, Laws of 1943), do not apply to reorganized districts as intended by this amendment except as specifically referred to in this section.

SEC. 11. Section 17, chapter 210, Laws of 1941 (section 9425-26, Remington's Revised Statutes, also Pierce's Perpetual Code 913-31), is amended to read as follows:

Amendments.

Section 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, or reorganized district, 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.

Duties of commissioners.

Amend-
ments.

SEC. 12. Section 18, chapter 210, Laws of 1941 (section 9425-27, Remington's Revised Statutes, also Pierce's Perpetual Code 913-33), is amended to read as follows:

Issuance of
bonds.

Section 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, or whenever the qualified voters of any reorganized sewer district shall hereafter adopt a proposition for any additions or 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 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 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 bond numbered one (1) of any issue shall be of a denomination other than a multiple of one hundred dollars (\$100).

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.

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 fac simile signature of the presiding officer of the Board of Sewer Commissioners and shall be attested by the fac simile signature of the Secretary of the Board of Sewer Commissioners.

Issuance of
bonds.

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.

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. 13. Section 34, chapter 210, Laws of 1941 (section 9425-43, Remington's Revised Statutes, also Pierce's Perpetual Code 913-65), is amended to read as follows:

Amend-
ments.

Section 34. The territory adjoining or in close proximity to and in the same county with any sewer district, after its organization, or reorganization under this amendment, 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.

Annexation
of additional
territory.

SEC. 14. Section 41, chapter 210, Laws of 1941

Amend-
ments.

(section 9425-50, Remington's Revised Statutes, also Pierce's Perpetual Code 913-79), is amended to read as follows:

Taxes.

Section 41. On or before the first day of October each year, the Board of Sewer Commissioners of each sewer district shall make and file with the Board of County Commissioners of the county containing such district, a statement and estimate in writing of the amount required for maintenance of the sewer system of said district for the ensuing fiscal year, and the Board of County Commissioners, shall, on or before the first day of November next ensuing, levy an assessment for the amount of said estimate, or such amount as it shall deem advisable, upon the property within the district, chargeable therewith in the same proportion as the assessment to pay the original cost of construction of said drainage system was levied. 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.

Amend-
ment.

SEC. 15. Section 42, chapter 210, Laws of 1941 (section 9425-51, Remington's Revised Statutes, also Pierce's Perpetual Code 913-81), is amended to read as follows:

Limit of
indebtedness.

Section 42. Each and every sewer district hereafter to be organized pursuant to this act, or reorganized under this amendment, 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 ($\frac{3}{5}$) 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 to the provisions regarding bonds as set out in section 18 of this act.

SEC. 16. Section 47, chapter 210, Laws of 1941 (section 9425-56, Remington's Revised Statutes, also Pierce's Perpetual Code 913-91), is amended to read as follows: Amendment.

Section 47. Any sewer district organized, or re-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, also Pierce's Perpetual Code 395-1 to -35, 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. Disincorporation.

Passed the House February 26, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 141.

[S. H. B. 176.]

EDUCATION—COMMON SCHOOLS.

AN ACT relating to education; providing for support of the common schools and transportation of children to schools; establishing procedures therefor; amending section 5, subchapter 9, title III, chapter 97, Laws of 1909, as amended by section 12, chapter 28, Laws of 1933, by section 2, chapter 228, Laws of 1937, and by section 1, chapter 203, Laws of 1943 (section 4936, Remington's Revised Statutes, also Pierce's Perpetual Code 889-9, 901-1, 891-19); amending section 1, chapter 93, Laws Extraordinary Session, 1925, as amended by section 10, chapter 28, Laws of 1933 (section 4680-1, Remington's Revised Statutes); amending section 3, chapter 28, Laws of 1933, as amended by section 1, chapter 77, Laws of 1943 (section 4719, Rem. Supp. 1943); repealing certain acts and parts of acts and all acts and parts of acts in conflict herewith; and declaring an emergency.

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

Current
state school
fund.

SECTION 1. The interest accruing on the Permanent Common School Fund together with all rentals and other revenues from lands and other property devoted to the current use of the common schools, and revenues from other sources allotted thereto, shall be deposited in a fund to be known as the Current State School Fund and shall be exclusively applied to the current use of the common schools. In addition thereto, it shall be the duty of the State Legislature, at each regular session thereof, to allocate to the said Current State School Fund for the current use of the common schools from tax and other sources an amount of money, which, when added to the interest and other revenues aforesaid, shall equal the amounts payable from said fund: *Provided*, That, if, at the time of any monthly apportionments to the several counties of the state for the school districts thereof as in this act provided, there is not sufficient money available to pay such monthly apportionments in full,

the State Treasurer shall allocate to said Current State School Fund from revenues otherwise allocated to the general fund the additional amount needed to pay such apportionments in full.

SEC. 2. The State Legislature shall, at each regular session thereof, appropriate from the Current State School Fund for the current use of the common schools a sum equal to the amounts due and apportionable to the several counties of the state for the school districts thereof as in this act provided.

Appropriation from fund to counties.

SEC. 3. On or before the twentieth day of each month from September to June, inclusive, the Superintendent of Public Instruction shall apportion from the Current State School Fund to the several counties of the state one-tenth (1/10) of the total annual amount due and apportionable to such counties for the school districts thereof as in this act provided: *Provided*, That during the months of April, May, June, July and August of 1945, the Superintendent of Public Instruction shall apportion to the several counties of the state for the school districts thereof two and one-half cents (2½¢) per day's attendance based upon the County Superintendents' annual reports for the school year ending June 30, 1944, and in accordance with laws in effect at that time. The State Treasurer shall, upon receipt of necessary information from the Supervisor of Budget, on or before the fifth day of each month transfer from the General Fund to the Current State School Fund an amount of money which together with revenues of the Current State School Fund from other sources shall equal the amount due and apportionable to the several counties during such month as in this act provided.

Apportionment.

Basis.

SEC. 4. The Superintendent of Public Instruction shall each year compute the amounts due and apportionable to each school district based upon the annual reports of the County Superintendents for the pre-

ceding school year. Apportionment credit shall be allowed for not to exceed one hundred eighty (180) days during the preceding year, except for schools approved by the State Board of Education for operation during summer months, and shall be calculated as follows:

Computation
of apportion-
ment.

First. Thirty cents (30¢) shall be allowed for each day's attendance in the common schools of the state on the following basis:

(a) The total number of actual days' attendance in elementary schools, junior high schools and high schools.

(b) An additional one fifth ($\frac{1}{5}$) times the actual days' attendance in junior high schools.

(c) An additional two-fifths ($\frac{2}{5}$) times the actual days' attendance in high schools.

(d) An additional one-fifth ($\frac{1}{5}$) times each hour of actual attendance in vocational classes approved for such apportionment credit by the State Board for Vocational Education.

(e) Three (3) times the actual days' attendance in parental schools where food and lodging are provided.

(f) Two (2) times the actual days' attendance in thirteenth (13th) and fourteenth (14th) years in high schools approved for such years of instruction by the State Board of Education.

(g) An additional three thousand (3,000) days' attendance for each special service unit in remedial education, guidance, health, and other special services designated by the State Board of Education. A special service unit shall consist of one full-time certificated employee performing educational or related services in accordance with standards for such services established by the State Board of Education.

(h) One-fifth ($\frac{1}{5}$) of one day's attendance for each hour's actual attendance in night school classes, part-time schools and adult education classes.

(i) One-half ($\frac{1}{2}$) of one day's attendance for

each two (2) hours' actual attendance in kindergarten.

Second. The amount due and apportionable as reimbursement for costs of transportation as provided by law.

Third. The amount due and apportionable as an equalization payment as provided by section 6 of this act. Computation of apportionment.

Fourth. The amount due and apportionable for educational units as provided by section 5 of this act.

Fifth. If the total school district tax levy in any school district during the preceding school year shall have been less than the maximum levy allowed by law without a vote of the people, the amounts due and apportionable to such school district under this act shall be reduced by the amount which such maximum allowable levy would have brought in excess of that obtained through the actual levy: *Provided*, That such apportionment of state funds as is currently made to such district may be continued until the time of collection of the first tax levy made after the effective date of this act.

SEC. 5. The Superintendent of Public Instruction shall compute the total number of educational units, each such unit consisting of one full-time certificated employee, that were maintained by each school district of the state during the preceding school year, and shall apportion to each county for the school districts thereof seven hundred dollars (\$700) for each such educational unit therein: *Provided*, That, for part-time educational units, one-sixth ($\frac{1}{6}$) of a unit shall be allowed for each hour's service of such unit for a school year: *Provided, further*, That apportionment credit shall not be allowed for educational units in which eighty per cent (80%) or more of the certificated employee's salary is paid or reimbursed from Federal funds or sources other than the school district: *Provided, further*, That, if the Computation of apportionment.

total amount appropriated by the State Legislature for apportionments to all counties is more or less than the amount required to pay in full the apportionments under this act, the amount allowed for each educational unit under this section shall be adjusted accordingly: *Provided, further,* That all school districts shall allocate at least the same percentage of their total budgets to salaries as prevailed during the fiscal year ending June 30, 1945.

Computation
of minimum
district
revenue.

SEC. 6. The County Superintendent of Schools of each county shall compute the amount needed by each school district within his county to provide it with a minimum school district revenue of twenty cents (20¢) for each day's attendance plus thirty per cent (30%) of the cost of transportation during the preceding school year as determined by section 4 of this act: *Provided,* That for the purpose of computing equalization payments every school district shall be allowed a minimum of four thousand five hundred (4,500) days' attendance for each educational unit as defined in section 5 of this act. He shall also compute the amount which, irrespective of any delinquencies, the maximum school district levy permissible without a vote of the electors would produce upon the assessed valuation of each district, without regard to any limitation imposed on the tax levy of the district by virtue of any requirements respecting the payment of bonded indebtedness. To this amount he shall add the actual receipts of the school district during the preceding school year from the county high school fund and from Federal payments in lieu of taxes, and, if this total sum is less than twenty cents (20¢) for each day's attendance computed as hereinbefore set forth plus thirty per cent (30%) of the cost of transportation during the preceding school year, the County Superintendent of Schools shall certify to the Superintendent of Public Instruction such computations and deficit, and the last actual tax levy for such district. The

Superintendent of Public Instruction shall place such deficit for such district as a charge against the Current State School Fund, and such additional amount shall be due and apportionable as an equalization payment. The State Board of Education shall establish minimum standards governing the maintenance and operation of the common schools of the state and shall also establish a schedule of minimum funds required by school districts to enable them to meet the aforesaid minimum standards: *Provided*, That no minimum standard shall include any factor depending on the location of the school or its relative location with respect to another school. Any school district in which the plan for the maintenance and operation of schools is in conformity with the aforesaid minimum standards and in which the revenues available from all sources, including the amount which the maximum school district levy as hereinbefore defined would produce as aforesaid, are less than the amount necessary to meet the aforesaid schedule of minimum funds, shall be granted by the Superintendent of Public Instruction from the Current State School Fund a sufficient additional amount which, when added to the amount of the aforesaid revenues available from all sources, shall equal the schedule of minimum funds, and such additional amount shall be apportioned at the same time and in the same manner as other equalization funds are apportioned.

Computation
of minimum
district
revenue.

SEC. 7. Section 5, sub-chapter 9, title III, chapter 97, Laws of 1909, as amended by section 12, chapter 28, Laws of 1933, by section 2, chapter 226, Laws of 1937, and by section 1, chapter 203, Laws of 1943 (section 4936, Remington's Revised Statutes, also Pierce's Perpetual Code 889-9), is amended to read as follows:

Amend-
ments.

Section 5. In the manner and at the times hereinafter provided there shall be distributed out of the State School Equalization Fund to the County

Distribution
of revenue.

Treasurer of each county for the use and benefit of the several school districts of each such county a sum sufficient to produce one and seven-tenths cents (1.7¢) per day's attendance determined in accordance with section 4 of this act. The County Commissioners of the several counties of the State of Washington shall annually, at the time of making the tax levy for county purposes, levy a tax on all property subject to taxation in their county sufficient, with the aforesaid apportionment from the State School Equalization Fund, to produce five and two-tenths cents (5.2¢) per day's attendance as determined in accordance with section 4 of this act: *Provided*, That such tax on said property shall in no case exceed nine-tenths (9/10) of one (1) mill on each dollar of the assessed valuation: *Provided, further*, If the nine-tenths (9/10) of one (1) mill levy as aforesaid will not produce the five and two-tenths cents (5.2¢) per day's attendance, as provided herein, in any county, the deficit shall be certified by the County Commissioners to the Superintendent of Public Instruction as a charge against the State School Equalization Fund, for the schools of such county. The apportionments from the State School Equalization Fund provided for in this section shall be made as follows: The Superintendent of Public Instruction shall at the time of making regular apportionments of the Current State School Fund during the following calendar year apportion to the County Treasurer of such county one-twelfth (1/12) the amount due for the schools of said county from the State School Equalization Fund. The County Treasurer shall immediately notify the County Superintendent of Schools of the amount received, and the County Superintendent shall apportion the special allotment to the school districts of his county at the same time and upon the same basis as is used to distribute the county school funds.

SEC. 8. The County Superintendent of Schools of

each county shall certify to the County Auditor of his county the total number of days' attendance accredited to each school district as determined in accordance with section 4 of this act. The total number of days' attendance thus certified to the County Auditor shall be the basis upon which the County School Tax Levy, provided by section 7 of this act (section 4936, Remington's Revised Statutes), shall be made by the County Commissioners, and shall also be the basis upon which apportionments from the State School Equalization Fund and the county current school fund shall be made. The proceeds from the county school tax shall be placed in the county current school fund and shall be used exclusively for the support of the common schools.

SEC. 9. Within five (5) days after receiving the certificate of apportionment from the Superintendent of Public Instruction the County Superintendent of Schools shall apportion to the school districts of his county the amounts then due and apportionable to such districts as certified by the Superintendent of Public Instruction. The County Superintendent of Schools shall apportion to the school districts of his county during each of the twelve (12) months of the year the amount then available for apportionment to such districts from the county current school fund.

Distribution
in counties.

SEC. 10. Section 1, chapter 93, Laws Extraordinary Session, 1925, as amended by section 10, chapter 28, Laws of 1933 (section 4680-1, Remington's Revised Statutes, also Pierce's Perpetual Code 901-1), is amended to read as follows:

Amend-
ments.

Section 1. That any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the State

Children on
Federal
reservations
or lands.

of Washington, shall be admitted to the public school, or schools, or [of] any contiguous district without payment of tuition: *Provided*, The United States authorities in charge of such reservation or park shall cooperate fully with the state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

Budget requests.

SEC. 11. At the time other budgetary requests are submitted, the Superintendent of Public Instruction shall certify to the Governor for submission to the Legislature the total estimated amount required to carry out the purposes of this act during the ensuing biennium.

Transportation of children to schools.

SEC. 12. Section 3, chapter 28, Laws of 1933, as amended by section 1, chapter 77, Laws of 1943 (section 4719, Rem. Supp. 1943, also Pierce's Perpetual Code 891-19), is amended to read as follows:

Section 3. Transportation routes shall be established or approved by a commission to consist of a representative authorized by the local board of directors, a representative of the Superintendent of Public Instruction, and the County Superintendent of Schools under rules and regulations to be formulated by the Superintendent of Public Instruction. The commission shall cooperate with the local board of directors in establishing new routes of transportation, in approving those routes in operation and in determining costs of individual routes in which matters the action of the local board is made subject to the approval of the commission. Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends. The commission in its discretion may require pupils residing within two miles of an established route to travel to the route at

their own expense. Every district maintaining approved transportation routes shall be reimbursed by the state upon the basis of sixty per cent of the total cost of such transportation, provided such total cost may not exceed the approved total cost of transportation established by the transportation commission and shall include a reasonable allowance for the depreciation of district owned conveyances. A local district may be authorized by the County Superintendent of Schools to educate its pupils in another district for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Such authorization may be extended at the discretion of the County Superintendent.

SEC. 13. All children attending school in accordance with the laws relating to compulsory attendance in the State of Washington shall be entitled to use the transportation facilities provided by the school district in which they reside.

All children entitled to transportation.

SEC. 14. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity or constitutionality of the act as a whole or any part thereof not adjudicated invalid or unconstitutional.

Partial invalidity.

SEC. 15. The following statutes and parts of statutes are hereby repealed:

Acts repealed.

Section 2 of chapter 93 of the Laws of Extraordinary Session of 1925 (section 4680-2, Remington's Revised Statutes, also Pierce's Perpetual Code 901-3); section 1 of sub-chapter 5, title III, chapter 97, Laws of 1909, as amended by section 1 of chapter 118, Laws of 1911, by section 1 of chapter 96, Laws of 1923, and by section 6 of chapter 28, Laws of 1933 (section 4871, Remington's Revised Statutes, also Pierce's Perpetual Code 889-19); sections 2, 9, and 11,

Acts
repealed.

sub-chapter 5, title III, chapter 97, Laws of 1909 (sections 4872, 4879, and 4881, Remington's Revised Statutes, also Pierce's Perpetual Code 889-21, -35, -37); section 3, sub-chapter 5, title III, chapter 97, Laws of 1909, as amended by section 5 of chapter 28, Laws of 1933 (section 4873, Remington's Revised Statutes, also Pierce's Perpetual Code 889-23); sections 7 and 8, sub-chapter 5, title III, chapter 97, Laws of 1909, as amended by sections 9 and 8 of chapter 28, Laws of 1933 (sections 4877 and 4878, Remington's Revised Statutes, also Pierce's Perpetual Code 889-31, -33); section 3, sub-chapter 9, title III, chapter 97, Laws of 1909, as amended by section 1 of chapter 2, Laws of Extraordinary Session of 1920, by section 4 of chapter 28, Laws of 1933, and by section 1 of chapter 174, Laws of 1939 (section 4934, Remington's Revised Statutes, also Pierce's Perpetual Code 889-5); section 3 of chapter 226, Laws of 1937 as amended by section 1 of chapter 255, Laws of 1943 (section 4934-4, Remington's Revised Statutes, also Pierce's Perpetual Code 889-47); sections 6 and 7 of sub-chapter 9, title III, chapter 97, Laws of 1909, as amended by sections 11 and 13 of chapter 28, Laws of 1933 (sections 4937 and 4938, Remington's Revised Statutes, also Pierce's Perpetual Code 889-11, -13); all of chapter 179, Laws of 1937 (sections 4925-21 to 4925-32, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 894-1 to -23).

Effective
immediately.

SEC. 16. All acts or parts of acts in conflict with this act or any part of this act are hereby repealed.

SEC. 17. 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.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 142.

[H. B. 379.]

TAXATION—UNITED STATES PROPERTY.

AN ACT relating to the taxation of the United States and its agencies and instrumentalities and their property.

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

SECTION 1. Notwithstanding anything to the contrary in the laws of the State of Washington, expressed or implied, the United States and its agencies and instrumentalities and their property are hereby declared to be taxable, and shall be taxed under the existing laws of this state or any such laws hereafter enacted, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States.

Taxation of property of the United States.

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 143.

[H. B. 342.]

PUBLIC UTILITY DISTRICTS.

AN ACT relating to public utility districts; providing for the sale of certain properties by said districts to other public utility districts, municipal corporations and public agencies in the state without an election; relating to the covenants of resolutions authorizing the issue of revenue bonds or warrants; amending section 6, chapter 1, Laws of 1931 (section 11610, Remington's Revised Statutes, also Pierce's Perpetual Code 833-11); and section 3, chapter 182, Laws of 1941 (section 11611-3, Remington's Revised Statutes, also Pierce's Perpetual Code 833-29).

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

Amendments.

SECTION 1. Section 6, chapter 1, Laws of 1931 (section 11610, Remington's Revised Statutes, also Pierce's Perpetual Code 833-11), is amended to read as follows:

Section 6. All public utility districts organized under the provisions of this act shall have power:

Powers of public utility districts.

(a) To make a survey of hydro-electric power, irrigation and domestic water supply resources within or without the district, and to compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and co-ordinated to make a complete and systematic whole.

(b) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate all lands, property, property rights, water, water rights, dams, ditches, flumes, aqueducts, pipes and pipe lines, water power, leases, easements, rights of way, franchises, plants, plant facilities and systems for generating electric energy by water power, steam or other methods, plant, plant facilities and systems for developing, conserving and distribut-

ing water for domestic use and irrigation, buildings, structures, poles and pole lines, and cables and conduits and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and for the purpose of acquiring the right to make physical connection with plants and plant facilities of any and all persons, corporations and municipalities, and such right of eminent domain shall be exercised and instituted pursuant to resolution of the Commission and conducted in the same manner and by the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the State of Washington in the acquisition of like property and property rights. It shall be no defense to a condemnation proceeding hereunder that a portion of the electric current generated or sold by such public utility district will be applied to private purposes provided the principal uses intended are public: *Provided*, That no public utility owned by a city or town shall be condemned hereunder, and none shall be purchased without submission of the question to the voters of the utility district. In any condemnation proceeding under this act, the court shall submit to the jury the values placed upon such property by the County Assessor or other taxing authority, for taxation purposes, and in respect to property, plants and facilities of persons and corporations using public highways for the furnishing of public service without franchises, shall consider in determining the value thereof the fact that such property, plants and facilities are subject to be removed from such highways by reason of being so operated without such franchises.

Powers of
public utility
districts.

(c) To construct, purchase, condemn and purchase, acquire, add to, maintain, conduct and oper-

ate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing such public utility district, and the inhabitants thereof, and any other persons, including public and private corporations within or without its limits, with an ample supply of water for all uses and purposes, public and private, including water power, domestic use and irrigation, with full and exclusive authority to sell and regulate and control the use, distribution and price thereof.

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districts.

(d) To purchase, within or without its limits, electric current for sale and distribution within or without its limits, and to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate works, plants, transmission and distribution lines and facilities for generating electric current, operated either by water power, steam or other methods, within or without its limits, for the purpose of furnishing said public utility district, and the inhabitants thereof and any other person, including public and private corporations, within or without its limits, with electric current for all uses, with full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges and price thereof, free from the jurisdiction and control of the Director of Public Works and Division of Public Utilities, in all things, together with the right to purchase, handle, sell, or lease motors, lamps, transformers and any and all other kinds of equipment and accessories of every nature and kind whatsoever necessary and convenient for the use, distribution and sale thereof: *Provided*, That the Commission shall not supply water to a privately owned utility for the production of electric energy, and may supply, directly or indirectly, to privately owned public utilities which sell electric energy or water to the public, any of the surplus electric energy or water under its control, and contracts therefor

shall not extend over a longer period than three (3) years: *Provided*, That it must at all times first make adequate provision for the needs of the district, both actual and prospective.

(e) And for the purposes aforesaid, it shall be lawful for any public utility district so organized to take, condemn and purchase, purchase, and acquire any and all public and private property, franchises and property rights, including state, county and school lands, and property and littoral and water rights, for any of the purposes aforesaid, and for railroads, tunnels, pipe lines, aqueducts, transmission lines, and any and all other facilities necessary or convenient, and, in connection with the construction, maintenance or operation, of any such utility or utilities, to acquire by purchase or condemnation and purchase the right to divert, take, retain and impound and use water from or in any lake or watercourse, regardless of whether such lake or watercourse or the water therein be public or private, navigable or non-navigable, or held, owned or used by the state, or any subdivision thereof, or by any person or corporation for any public or private use, proprietary or governmental, or any underflowing water within the state; and such public utility district is hereby authorized and empowered to erect and build, within or without its limits, dams or other works across any river or watercourse, or across or at the outlet of any lake, up to and above high water mark; and, for the purpose of constructing or laying aqueducts or pipe lines, dams or waterworks or other necessary structures in storing, retaining and distributing water as above provided, or for any of the purposes provided for by this act, such public utility district shall have the right to occupy and use the beds and shores up to the high water mark of any such lake, river or watercourse and to acquire by purchase or by con-

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demnation and purchase, or otherwise, any water, water rights, easements or privileges named in this act or necessary for any of said purposes, and any such public utility district shall have the right to acquire by purchase or condemnation and purchase, or otherwise, any lands, property or privileges necessary to be had to protect the water supply of such public utility district from pollution: *Provided*, That should private property be necessary for any such purposes, or for storing water above high water mark, such public utility district may condemn and purchase or purchase and acquire such private property. Such public utility district shall have power to build and maintain inter-tie lines connecting its power plant and distribution system with the power plant and distribution system owned by any other public utility district, or municipal corporation, or to connect with the power plants and distribution systems owned by any municipal corporation in the district, and from any such inter-tie line to sell electric energy to any individual, or public utility district, or any city or town, or other corporations, public or private, and, by means of transmission or pole lines, to conduct electric energy from the place of production to the point of distribution, and to construct and lay said aqueducts, pipe or pole lines, and transmission lines along and upon public highways, roads and streets, and to condemn and purchase, purchase or acquire, lands, franchises and rights of way necessary for the same.

(f) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the public utilities thereof, and to issue general obligation or utility bonds therefor, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, said bonds not [to] be sold for less than par and accrued interest; to purchase with surplus funds, local utility district

bonds of districts created by the Commission and sell the same, giving preference to residents of the district, and to create a revolving fund to insure the prompt payment of all local utility district bonds.

(g) To raise revenue by the levy of an annual tax on all taxable property within such public utility district not exceeding two mills in any one year, exclusive of interest and redemption for general obligation bonds. The Commission shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the Commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October, the Commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the Commission shall, by resolution, adopt the budget as finally determined, and fix the final amount of expenditures for the ensuing year. Taxes levied by the Commission shall be certified to and collected by the proper county officer of the county in which such public utility district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The Commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six per cent per annum.

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districts.

(h) To enter into any contract with the United States Government, or any state, municipality or other utility district, or any department of those governing bodies, for carrying out any of the powers authorized by this act.

(i) To acquire by gift, devise, bequest, lease or purchase, real and personal property necessary or convenient for the purposes of the district or any local district therein.

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(j) To make contracts, employ engineers, attorneys and other technical or professional assistance; to print and publish information or literature and to do all other things necessary to carry out the provisions of this act.

The Public Utility District Commission shall appoint a manager, who shall be appointed for an indefinite time and be removable at the will of the Commission. Appointments and removals shall be by resolution, introduced at a regular meeting and adopted at a subsequent regular meeting by a majority vote. He shall receive such salary as the Commission shall fix by resolution.

The manager shall be the chief administrative officer of the public utility district, and shall have control of administrative functions of the district, and shall be responsible to the Commission for the efficient administration of all the affairs of the district placed in his charge. He shall be an experienced executive with administrative ability. In case of the absence or temporary disability of the manager, he shall, with the approval of the president of the Commission, designate some competent person as acting manager.

The manager shall be entitled to attend all meetings of the Commission and its committees, and to take part in the discussion of any matters pertaining to the duties of his department, but shall have no vote.

The public utility district manager shall have power, and it shall be his duty:

To carry out the orders of the Commission, and to see that all the laws of the state pertaining to matters within the functions of his department are duly enforced.

To keep the Commission fully advised as to the financial condition and needs of the district. To prepare, each year, an estimate for the ensuing fiscal year of the probable expenses of his department, and to recommend to the Commission what development work should be undertaken, and what extensions and additions, if any, should be made, during the ensuing fiscal year, with an estimate of the costs of such development work, extensions and additions. To certify to the Commission all bills, allowances and payrolls, including claims due contractors of public works. To recommend to the Commission salaries of the employees of his office, and a scale of salaries or wages to be paid for the different classes of service required by the district. To hire and discharge clerks, laborers and other employees under his direction. To perform such other duties as may be imposed upon him by resolution of the Commission. It shall be unlawful for him to make any contribution of money in aid of or in opposition to the election of any candidate for public utility commissioner or to advocate or oppose any such election.

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districts.

(k) To sue and be sued in any court of competent jurisdiction: *Provided*, That all suits against the public utility district shall be brought in the county in which the public utility district is located. No suit for damages shall be maintained against such public utility district except on the basis of a claim therefor filed with the Commission of such district complying in all respects with the terms and requirements for claims for damages filed pursuant to general law against cities of the second class.

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districts.

(1) By resolution to establish and define the boundaries of local assessment districts to be known as Local Utility District No..... for distribution, under the general supervision and control of the Commission, of water for domestic use and (or) irrigation and (or) electric energy, and in like manner to provide for the purchasing, or otherwise acquiring, or constructing and equipping distribution systems for said purposes and for extensions and betterments thereof, and to levy and collect in accordance with the special benefits conferred thereon, special assessments and reassessments on property specially benefited thereby, for paying the cost and expense of the same, or any portions thereof, as herein provided, and to issue local improvement bonds and (or) warrants to be repaid wholly or in part by collection of local improvement assessments.

The Commission shall, by resolution, establish the method of procedure in all matters relating to local utility districts. Any public utility district may determine by resolution what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and to adopt and provide the manner, machinery and proceedings in any way relating to the making and collecting assessments therefor in pursuance of this act. Except as herein otherwise provided, or as may hereafter be set forth by resolution, all matters and proceedings relating to the local utility district, the levying and collection of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder, shall be governed, as nearly as may be, by the laws relating to local improvements for cities of the first class: *Provided*, That no protest against a local utility district improvement shall be received by the Commission after twelve o'clock noon of the day set for hearing.

Any improvement authorized by this act may be ordered only by resolution of the Commission either upon petition or resolution therefor. Whenever a petition, signed by ten per cent of the owners of land in the district to be therein described, shall be filed with the Commission, asking that the plan or improvement therein set forth be adopted and ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the Commission to fix the date of hearing on such petition, and give not less than two (2) weeks notice thereof by publication. The Commission may, in its discretion, deny such petition or order the improvement unless a majority of the owners of lands in said district shall file prior to 12:00 o'clock noon of the day of said hearing with secretary thereof a petition protesting against said improvement; and if the Commission shall order the improvement, then it may alter the boundaries of such proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such local improvement district, and what proportion of the cost, if any, shall be borne by the entire public utility district. Whenever such a petition signed by a majority of the landowners in such a proposed local improvement district shall be filed with the Commission, asking that the improvement therein described be ordered, the Commission shall forthwith fix a date for hearing on said petition, after which the Commission must, by resolution, order such improvement, and may alter the boundaries of such proposed district, prepare and adopt such improvement, prepare and adopt detail plans thereof, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district, and what proportion of the cost, if any, shall be

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borne by the entire public utility district, and provide the general funds thereof to be applied thereto, if any, acquire all lands and other properties therefor, pay all damages caused thereby, and commence in the name of the public utility district such eminent domain proceedings and supplemental assessments or re-assessment proceedings to pay all eminent domain awards as may be necessary to entitle said district to proceed with such work, and 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 local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll, a notice shall be published ten (10) days stating that such roll is on file and open to inspection in the office of secretary of the district, and fixing a time not less than fifteen (15) nor 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 district against any assessments shown thereon, and fixing a time when a hearing shall be held by said Commission on said protests. After such hearing the Commission may alter any and all assessments shown on such roll and may then, by resolution, approve the same, but if any assessment be raised, a new notice, similar to such first notice, shall be given, and a hearing had thereon, after which final approval of such roll may be made by the Commission. Any person feeling aggrieved by such assessments shall perfect an appeal to the Superior Court of such county within ten (10) days after such approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering, office and other

expenses necessary or incident to said improvement shall be borne by the public utility district: *Provided*, That where any municipal corporation included within such public utility district already owns or operates a utility of like character for which such assessments are levied hereunder, then all such engineering and other expenses mentioned above shall be borne by the local assessment district.

Whenever any improvement shall be ordered hereunder, payment for which shall be made in part from assessments against property specially benefited, not more than fifty per cent (50%) of the cost thereof shall ever be borne by the entire public utility district, nor shall any sum be contributed by it to any improvement acquired or constructed with or by any other body, exceed such amount, unless a majority of the electors of such district shall consent to or ratify the making of such expenditure.

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districts.

(m) It is, and shall be lawful for any public utility district organized hereunder to sell and convey, lease or otherwise dispose of all or any part of the works, plants, systems, utilities and properties authorized by this act and owned by it after proceedings and approval by the voters of the district as provided for in chapter 137, Laws of 1917, (sections 9512, 9513 and 9514 of Remington's Revised Statutes of Washington): *Provided*, That the affirmative vote of three-fifths ($\frac{3}{5}$) of the voters voting at an election on the question of approval of such proposed sale, shall be necessary to authorize such sale: *Provided further*, That any public utility district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to any other public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease or otherwise dispose of, to any person, firm, corporation or public body, any part either

within or without its boundaries, which shall have become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to and useful in such operations without the approval of the voters. Public utility districts shall be held to be municipal corporations within the meaning of said sections and the Commission of such public utility district shall be held to be the legislative body within the meaning of said sections, and the president and secretary of such district shall have the same powers and perform the same duties as the Mayor and City Clerk referred to in said sections, and the resolutions of the public utility districts shall be held to mean ordinance within the meaning of said sections.

Powers of
public utility
districts.

(n) The Commission of each public utility district may adopt general resolutions to carry out the purposes, objects and provisions of this act.

Amend-
ment.

SEC. 2. Section 3, chapter 182, Laws of 1941 (section 11611-3, Remington's Revised Statutes, also Pierce's Perpetual Code 833-29), is amended to read as follows:

Section 3. Any resolution creating any such special fund and authorizing the issue of revenue bonds or warrants payable therefrom shall specify the title of 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; (g) limitations upon the right to dispose of such public utility or any part thereof without providing for the payment of the outstanding bonds; and (h) the appointment of trustees, depositaries and paying agents to receive, hold, disburse, invest and reinvest all or any part of the income, revenues, receipts and profits derived by the district from the operation, ownership and management of its public utility.

Bonds and
warrants.

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 144.

[H. B. 291.]

VETERANS—RELIEF.

AN ACT relating to certain veterans; providing for the relief of the same; prescribing the duties of certain officers; providing for certain licenses and amending section 1, chapter CXVII, Laws of 1888, as last amended by section 1, chapter 41, Laws of 1921 (section 10737, Remington's Revised Statutes); section 2, chapter CXVII, Laws of 1888, as last amended by section 2, chapter 41, Laws of 1921 (section 10738, Remington's Revised Statutes); section 3, chapter CXVII, Laws of 1888, as last amended by section 3, chapter 41, Laws of 1921 (section 10739, Remington's Revised Statutes); section 4, chapter CXVII, Laws of 1888, as last amended by section 4, chapter 41, Laws of 1921 (section 10740, Remington's Revised Statutes); section 5, chapter CXVII, Laws of 1888, as last amended by section 5, chapter 41, Laws of 1921 (section 10741, Remington's Revised Statutes); section 6, chapter CXVII, Laws of 1888, as last amended by section 6, chapter 41, Laws of 1921 (section 10757, Remington's Revised Statutes); section 7, chapter CXVII, Laws of 1888, as last amended by section 7, chapter 41, Laws of 1921 (section 10742, Remington's Revised Statutes); section 1, chapter 64, Laws of 1909, as last amended by section 8, chapter 41, Laws of 1921 (section 10743, Remington's Revised Statutes); sections 1 and 2, chapter 69, Laws of 1903 (sections 10755 and 10756, Remington's Revised Statutes, also Pierce's Perpetual Code 932-29, -33, -35 to 39, -41, -43, -31, -61, -63).

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

Amend-
ments.

SECTION 1. Section 1, chapter CXVII, Laws of 1888, as last amended by section 1, chapter 41, Laws of 1921 (section 10737, Remington's Revised Statutes, also Pierce's Perpetual Code 932-29), is amended to read as follows:

Section 1. For the relief of indigent and suffering Union soldiers, sailors and marines who served in the Civil War, in the war of Mexico or in any of the Indian wars in the United States, the Spanish-American war and Philippine insurrection, soldiers, sailors and marines who served in the United States Army, Navy, or Marine Corps between April 6,

1917, and the date upon which peace is finally concluded with the German government and its allies, or soldiers, sailors and marines who served in the Army, Navy or Marine Corps of the United States in any other foreign war, insurrection, or expedition, which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or for any members of the armed forces of the United States in the existing war between the United States and Japan and her allies, or the existing war between the United States and Germany and her allies, and their families or the families of those deceased, who need assistance in any city, town or precinct in this state, the Board of Commissioners of the county in which said city, town or precinct is situated shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster, or commander and adjutant of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans in said city or town upon recommendation of the relief committee of said post, camp or chapter: *Provided*, Said soldier, sailor or marine, or the families of those deceased are and have been residents of the state for at least twelve months, and the orders of said commander and quartermaster, or commander and adjutant shall be the proper voucher for the expenditure of said sum or sums of money.

Relief of
veterans.

SEC. 2. Section 2, chapter CXVII, Laws of 1888, as last amended by section 2, chapter 41, Laws of 1921 (section 10738, Remington's Revised Statutes, also Pierce's Perpetual Code 932-33), is amended to read as follows:

Amend-
ments.

Section 2. If there be no post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of

the American Legion or chapter of the Disabled American Veterans in any precinct in which it should be granted, the County Commissioners of the county in which such precinct is, may accept and pay the orders drawn, as hereinbefore provided, by the commander and quartermaster, or commander and adjutant, of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans located in the nearest city or town, upon the recommendation of a relief committee who shall be residents of the said precinct in which the relief may be furnished.

Amend-
ments.

SEC. 3. Section 3, chapter CXVII, Laws of 1888, as last amended by section 3, chapter 41, Laws of 1921 (section 10739, Remington's Revised Statutes, also Pierce's Perpetual Code 932-35), is amended to read as follows:

Relief of
veterans.

Section 3. Upon the passage of this act the commander of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster, or commander and adjutant may become operative in any city or precinct, shall file with the County Auditor of such county, notice that said post, camp or chapter intends to undertake such relief as is provided by this act. Such notice shall contain the names of the relief committee of said post, camp or chapter in such city or precinct, and the commander of said post, camp or chapter shall annually thereafter during the month of October file a similar notice with said Auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons

to whom such relief shall have been furnished, together with a brief statement in each case from the relief committee upon whose recommendations the orders were drawn.

SEC. 4. Section 4, chapter CXVII, Laws of 1888, as last amended by section 4, chapter 41, Laws of 1921 (section 10740, Remington's Revised Statutes, also Pierce's Perpetual Code 932-37), is amended to read as follows: Amend-
ments.

Section 4. The County Commissioners may require of the commander and quartermaster, or commander and adjutant, of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans undertaking to distribute relief under this act a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this act. Bond for
relief by
veterans'
group.

SEC. 5. Section 5, chapter CXVII, Laws of 1888, as last amended by section 5, chapter 41, Laws of 1921 (section 10741, Remington's Revised Statutes, also Pierce's Perpetual Code 932-39), is amended to read as follows: Amend-
ments.

Section 5. County Commissioners are hereby prohibited from sending indigent Union, Spanish-American war soldiers, sailors and marines, soldiers, sailors and marines who have served the United States in the United States Army, Navy, or Marine Corps between April 6, 1917, and the date upon which peace is finally concluded with the German Government and its allies, or soldiers, sailors and marines who served in the Army, Navy, or Marine Corps of the United States in any other foreign war, insurrection or expedition, which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any members of the armed forces of the United Relief of
indigent
veterans
prescribed.

States in the existing war between the United States and Germany and her allies or the existing war between the United States and Japan and her allies (or their families or the families of the deceased), of the classes of persons mentioned in section 1, to any almshouse (or orphan asylum) without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans, as provided in sections 1 and 2. Indigent veterans shall, whenever practicable, be provided for and relieved at their homes in such city, town or precinct in which they shall have a residence, in the manner provided in sections 1 and 2 of this act. Indigent or disabled veterans of the classes specified in section 1, who are not insane and have no families or friends with whom they may be domiciled, may be sent to any soldier's home.

Amend-
ments.

SEC. 6. Section 6, chapter CXVII, Laws of 1888, as last amended by section 6, chapter 41, Laws of 1921 (section 10757, Remington's Revised Statutes, also Pierce's Perpetual Code 932-41), is amended to read as follows:

Section 6. It shall be the duty of the Board of County Commissioners in each of the counties in this state to designate some proper authority other than the one designated by law for the care of paupers and the custody of criminals who shall cause to be interred at the expense of the county the body of any honorably discharged soldier, sailor or marine who served in the Army or the Navy of the United States of America during the late Civil War or in the war with Mexico or in any of the Indian wars that occurred in the State of Washington, or the Spanish-American war and the Philippine insurrection, soldiers, sailors and marines who served in the United States Army, Navy, or Marine

Corps between April 6, 1917, and the date upon which peace is finally concluded with the German Government and its allies, or soldiers, sailors and marines who served in the Army, Navy or Marine Corps of the United States in any other foreign war, insurrection or expedition which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any member of the armed forces of the United States in the existing war between the United States and Germany and her allies or the existing war between the United States and Japan and her allies, and the wives, husbands, widows or widowers of such soldiers, sailors or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; and when requested so to do by the commanding officer of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars, American Legion, chapter of the Disabled American Veterans or the relief committee of any such posts, camps or chapters: *Provided, however,* That such interment shall not cost more than one hundred eighty dollars. If the deceased has relatives or friends who desire to conduct the burial of such deceased person, then upon request of said commander or relief committee a sum not to exceed one hundred eighty dollars shall be paid to said relatives or friends by the County Treasurer, upon due proof of the death and burial of any person provided for by this section and proof of expenses incurred.

Burial of indigent veterans.

Limit of expense.

SEC. 7. Section 7, chapter CXVII, Laws of 1888, as last amended by section 7, chapter 41, Laws of 1921 (section 10742, Remington's Revised Statutes, also Pierce's Perpetual Code 932-43), is amended to read as follows:

Amendment.

Section 7. The Boards of County Commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax not

Tax for
relief
purposes.

less than one-twentieth of one mill, and not greater than one and one-fifth mills, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, sailors and marines who served in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, soldiers, sailors and marines who served in the United States Army, Navy, or Marine Corps between April 6, 1917, and the date upon which peace is finally concluded with the German Government and its allies, or soldiers, sailors and marines who served in the Army, Navy, or Marine Corps of the United States in any other foreign war, insurrection or expedition, which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any members of the armed forces of the United States in the existing war between the United States and Germany and her allies or the existing war between the United States and Japan and her allies, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased soldiers, sailors and marines, to be disbursed for such relief by such Board of County Commissioners.

Amend-
ment.

SEC. 8. Section 1, chapter 64, Laws of 1909, as last amended by section 8, chapter 41, Laws of 1921 (section 10743, Remington's Revised Statutes, also Pierce's Perpetual Code 932-31), is amended to read as follows:

Section 8. Any post of the Grand Army of the Republic, camp of United Spanish War Veterans, Veterans of Foreign Wars, post of the American Legion or chapter of the Disabled American Veterans which has qualified to accept relief from the Indigent Soldiers' Relief Fund of any county may draw

upon said county fund for the payment of the rent of its regular meeting place: *Provided*, That no post, camp or chapter shall be allowed to draw on such fund for this purpose to exceed the sum of one hundred eighty dollars in any one year, or in any amount for hall rental where said post, camp or chapter is furnished quarters by the state or by any municipality.

Rent for relief agencies.

Before such claims are ordered paid by the County Commissioners, the commander of such posts, camps or chapters shall file a proper claim each month with the County Auditor for such rental.

SEC. 9. Section 1, chapter 69, Laws of 1903 (section 10755, Remington's Revised Statutes, also Pierce's Perpetual Code 728-61), is amended to read as follows:

Amendment.

Section 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state, shall have the right to peddle, hawk, vend and sell goods, other than his own manufacture and production, without paying for the license as now provided by law, by those who engage in such business; but any such soldier, sailor or marine may engage in such business by procuring a license for that purpose as provided in section 10 of this act.

Peddling licenses not required by veterans.

No county, city or political subdivision in this state shall charge or collect any license fee on any business established by any veteran under the provisions of Public Law 346 of the 78th Congress.

SEC. 10. Section 2, chapter 69, Laws of 1903 (section 10756, Remington's Revised Statutes, also Pierce's Perpetual Code 728-63), is amended to read as follows:

Section 2. On presentation to the County Auditor or City Clerk of the county in which any such soldier, sailor or marine may reside, of a certificate of honorable discharge from the army or naval service

License issued upon application.

of the United States, such County Auditor or City Clerk, as the case may be, shall issue without cost to such soldier, sailor or marine, a license authorizing him to carry on the business of peddler, as provided in section 9 of this act.

Passed the House February 27, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 145.

[H. B. 372.]

STATE LANDS—RIGHTS OF WAY.

AN ACT relating to the granting of rights of way through, over and across state lands; amending section 85, chapter 255, Laws of 1927 (section 7797-85, Remington's Revised Statutes, also Pierce's Perpetual Code 940-461), and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 85, chapter 255, Laws of 1927 (section 7797-85, Remington's Revised Statutes, also Pierce's Perpetual Code 940-461), is amended to read as follows:

Rights of
way across
state lands.

Section 85. Any county or city or the United States of America desiring to locate, establish and construct a road or street over and across any state lands, or tide or shore lands belonging to the state, or any county desiring to construct any wharf on such tide or shore lands, shall by resolution of the Board of County Commissioners of such county, or City Council or other governing body of such city, or proper agency of the United States of America, cause to be filed in the office of the Commissioner of Public Lands a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested

copy of a plat made by the County or City Engineer or proper agency of the United States of America, showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the Commissioner of Public Lands, if he deem it for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of any timber thereon and notify the petitioner of such appraised value. Procedure.

If there be no timber on the proposed right of way, or upon the payment of the appraised value of any timber thereon, to the Commissioner of Public Lands in cash, or by certified check drawn upon any bank in this state, or postal money order, the Commissioner may approve the plat filed with the petition and file and enter the same in the records of his office, and such approval and record shall constitute a grant of such right of way from the state.

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

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 146.

[H. B. 377.]

HIGHWAYS—SALE OF UNUSED PORTIONS.

AN ACT relating to state highways; providing that the Director of Highways may issue permits and sell or lease to cities and counties any real property no longer necessary for state highway purposes; amending section 28, chapter 53, Laws of 1937 (section 6400-28, Remington's Revised Statutes, also Pierce's Perpetual Code 623-7); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 28, chapter 53, Laws of 1937 (section 6400-28, Remington's Revised Statutes, also Pierce's Perpetual Code 623-7), is amended to read as follows:

Sale of
unused state
highways.

Section 28. Whenever any primary state highway or secondary state highway is relocated across any lands and by reason thereof the existing state highway across said lands will be useless to the state and will be abandoned, the Director of Highways may, if the owner of any lands embraced within the relocated state highway is also the owner of the abutting lands on one or both sides of the useless state highway right of way, agree with such owner, as the consideration or as a part of the consideration for the conveyance to the state of the lands required for the relocated state highway right of way, to cause to be made to such owner a deed of conveyance of the useless state highway right of way or part thereof. Whenever the Director of Highways shall make such an agreement with any property owner and shall certify to the Governor that he has made such an agreement and give a description of the useless right of way agreed to be conveyed to such owner, the Governor may execute and the Secretary of State shall attest and deliver to such owner a deed of conveyance on behalf of the state to such useless state highway right of way or part thereof.

Whenever state owned lands under the jurisdiction of the Department of Highways shall, in the judgment of the Director of Highways, be no longer required for state highway purposes the Director of Highways may negotiate with any city or county of the state for the sale thereof, when, in his judgment, such sale is consistent with the public interest, and shall certify to the Governor that an agreement for such sale has been made and give a description of said lands together with the terms of such agreement, and the Governor may execute and the Secretary of State shall attest and deliver to such city or county a deed of conveyance on behalf of the state to such lands or portions thereof. Upon the application by any city or county for the use of any state owned lands under the jurisdiction of the Department of Highways the Director may, when in his judgment such use is consistent with the public interest, negotiate for and issue such permits, leases or licenses as may be required for the authorization of such use upon such terms and conditions as he may prescribe. No such permit, lease or license shall extend for a period in excess of four (4) years from the date thereof. Any monies received by the State of Washington pursuant to the provisions of this act shall be deposited in the Motor Vehicle Fund.

Sale of
unused state
highways.

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

Effective
immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 147.

[H. B. 383.]

STATE LANDS—RIGHTS OF WAY.

AN ACT relating to the granting of rights of way through, over and across state lands; amending sections 96, 97, 98, 99 and 100, chapter 255, Laws of 1927 (sections 7797-96, -97, -98, -99 and -100, Remington's Revised Statutes, also Pierce's Perpetual Code 940-483 to -491); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 96, chapter 255, Laws of 1927 (section 7797-96, Remington's Revised Statutes, also Pierce's Perpetual Code 940-483), is amended to read as follows:

Right of
way across
state lands.

Section 96. A right of way through, over and across any state lands, or tide or shore lands belonging to the state, or oyster reserves belonging to the state and the reversionary interest of the state in oyster lands, which have been or may hereafter be established or arise, is hereby granted to any municipal or private corporation, company, association, individual, or the United States of America, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume or pipe line for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

Amend-
ments.

SEC. 2. Section 97, chapter 255, Laws of 1927 (section 7797-97, Remington's Revised Statutes, also Pierce's Perpetual Code 940-485), is amended to read as follows:

Section 97. In order to obtain the benefits of the grant made in the preceding section, the municipal or private corporation or company, association, individual, or the United States of America, constructing or proposing to construct, or which has

heretofore constructed, such telephone line, ditch, flume, pipe line or transmission line, shall file, with the Commissioner of Public Lands a map, accompanied by the field notes of the survey and location of such telephone line, ditch, flume, pipe line or transmission line, and shall pay to the state as hereinafter provided the amount of the appraised value of the land, and improvements, if any, used for or included within the right of way applied for. The land within the right of way shall be limited to an amount necessary for the construction of said telephone line, ditch, flume, pipe line or transmission line sufficient for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same, and the grant shall include the right to cut all standing timber within two hundred feet on either side of the center line of said right of way, which shall be dangerous to the operation and maintenance of the telephone line, ditch, flume, pipe line or transmission line.

Right of
way across
state lands.

SEC. 3. Section 98, chapter 255, Laws of 1927 (section 7797-98, Remington's Revised Statutes, also Pierce's Perpetual Code 940-487), is amended to read as follows:

Amend-
ments.

Section 98. Upon the filing of the plat and field notes, as provided in the preceding section, the land applied for and the standing timber within two hundred feet on either side of the center line of the right of way applied for, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for and of the standing timber and improvements, if any, the Commissioner of Public Lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his of-

Application.

Certificate
of grant.

fice, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association, individual, or the United States of America, securing such right of way ever abandon the use of the same for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

Amend-
ments.

SEC. 4. Section 99, chapter 255, Laws of 1927 (section 7797-99, Remington's Revised Statutes, also Pierce's Perpetual Code 940-489), is amended to read as follows:

Grants to
irrigation
districts.

Section 99. A right of way through, over and across any state lands or tide or shore lands belonging to the state is hereby granted to any irrigation district, or irrigation company duly organized under the laws of this state, and to any association, individual, or the United States of America, constructing or proposing to construct an irrigation ditch or pipe line for irrigation, or to any diking and drainage district or any diking and drainage improvement district proposing to construct a dike or drainage ditch.

Amend-
ments.

SEC. 5. Section 100, chapter 255, Laws of 1927 (section 7797-100, Remington's Revised Statutes, also Pierce's Perpetual Code 940-491), is amended to read as follows:

Irrigation
district
applications.

Section 100. In order to obtain the benefits of the grant hereinabove provided for, the irrigation district, irrigation company, association, individual, or the United States of America, constructing or proposing to construct such irrigation ditch or pipe line for irrigation, or the diking and drainage district or diking and drainage improvement district constructing or proposing to construct any dike or drainage ditch, shall file with the Commissioner of Public Lands a map accompanied by the field notes of the survey and location of the proposed irrigation

ditch, pipe line, dike, or drainage ditch, and shall pay to the state as hereinafter provided, the amount of the appraised value of the said lands used for or included within such right of way. The land within said right of way shall be limited to an amount necessary for the construction of the irrigation ditch, pipe line, dike, or drainage ditch for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 148.

[H. B. 385.]

EXCISE TAX—EXPRESS COMPANIES.

AN ACT relating to taxation; repealing chapter 54, Laws of 1907, as amended by sections 26 to 32, inclusive, chapter 206, Laws of 1939 (sections 11180 to 11187, inclusive, Remington's Revised Statutes), which provided for an excise or privilege tax payable by express companies; and designating the taxes to which this act shall apply and authorizing the levy of township taxes for certain purposes; and amending section 1, chapter 226, Laws of 1941, and repealing section 8, chapter 13, Laws of 1923 (section 11445, Remington's Revised Statutes, also Pierce's Perpetual Code 986-241).

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

SECTION 1. That chapter 54, Laws of 1907, as amended by sections 26 to 32, inclusive, chapter 206, Laws of 1939 (sections 11180 to 11187, inclusive, Remington's Revised Statutes, also Pierce's Per-

Acts
repealed.

petual Code 970-1 to 15), be and the same is hereby repealed.

Act effective.

SEC. 2. No tax shall be imposed in the year 1945 under the provisions of chapter 54, Laws of 1907, as amended.

Amendment.

SEC. 3. Section 1, chapter 226, Laws of 1941, Pierce's Perpetual Code 986-243, is amended to read as follows:

Township taxes for certain purposes.

Section 1. The electors of each township shall have power, at their annual township meeting to vote to raise such sums of money as they deem necessary, not to exceed two (2) mills, in any township having a population of less than five thousand (5,000) inhabitants as shown by the last official United States Census, and not to exceed five (5) mills, in any township having a population of five thousand (5,000) or more inhabitants, as shown by the same census on the assessed value of the taxable real and personal property in the township, according to the last previous assessment made for town charges, which shall include charges for the purchase, repair, maintenance and operation of snow plows or snow removing equipment, appliances for the prevention of highway dust and debris, and highway lighting, all in cooperation with the state and county authorities, and that for all other township charges authorized by law. The levies herein authorized shall be independent, and not a part, of any tax levy authorized by law for any other form of district or organization.

Acts repealed.

SEC. 4. Section 8, chapter 13, Laws of 1923 (section 11445, Remington's Revised Statutes, also Pierce's Perpetual Code 986-241), is hereby repealed.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 149.

[H. B. 111.]

COURTS—COMPENSATION OF BAILIFFS.

AN ACT relating to compensation of bailiffs in Superior Courts and amending section 1, chapter X, Laws of 1891, as last amended by section 1, chapter 94, Laws of 1943 (section 10973, Remington's Revised Statutes, also Pierce's Perpetual Code 109-39), by providing extra compensation, and declaring an emergency.

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

SECTION 1. Section 1, chapter X, Laws of 1891, as last amended by section 1, chapter 94, Laws of 1943 (section 10973, Remington's Revised Statutes, also Pierce's Perpetual Code 109-39), is amended to read as follows: Amend-
ments.

Section 1. Bailiffs of the several Superior Courts in this state, appointed by the respective judges thereof, shall be paid for their services as follows:

1. In class A counties the sum of one hundred ninety-five dollars (\$195) per month. Salaries of
superior
court bailiffs.

2. In counties having a population of more than one hundred twenty-five thousand (125,000) and not class A counties the sum of one hundred ninety-five dollars (\$195) per month.

3. In counties having a population of seventy-five thousand (75,000) but less than one hundred twenty-five thousand (125,000) the sum of one hundred twenty dollars (\$120) per month.

4. In counties having a population of less than seventy-five thousand (75,000) not less than five dollars (\$5) per day.

5. In all counties other than those heretofore enumerated in subsections 1 and 2 herein and beginning with the effective date of this act, bailiffs of the several Superior Courts shall be paid at the time of payment of the salaries and compensation fixed above as an additional salary or compensation

equal to fifteen per cent (15%) of the amount above fixed.

Effective immediately.

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 150.

[H. B. 287.]

EMBALMERS—LICENSES.

AN ACT relating to the licensing of embalmers; and amending section 4, chapter 108, Laws of 1937 (section 8316-1, Remington's Revised Statutes, also Pierce's Perpetual Code 743-7).

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

Amendments.

SECTION 1. Section 4, chapter 108, Laws of 1937 (section 8316-1, Remington's Revised Statutes, also Pierce's Perpetual Code 743-7), is amended to read as follows:

Requirements for embalmer's license.

Section 4. In order to obtain a license as an embalmer, the applicant must be at least twenty-one (21) years of age, of good moral character, have had a high school education or its equivalent, have completed a two-year course of training under a licensed embalmer in this state, have completed a full course of instruction in an embalming school of the class A type with minimum requirements as rated by the conference of embalmers' examining boards of the United States or as rated by the national council on mortuary education, and must pass an examination in each of the following subjects: Embalming, anatomy including histology, embryology and dis-

section, pathology, bacteriology, hygiene including sanitation and public health, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: *Provided, however,* That any person lawfully licensed as an embalmer in this state may register as such with said Director of Licenses and, upon the payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided.

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 151.

[H. B. 395.]

SCHOOL BUSESSES.

AN ACT relating to school busses; providing additional safety equipment; and amending section 45, chapter 189, Laws of 1937 (section 6360-45, Remington's Revised Statutes, also Pierce's Perpetual Code 286-23).

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

SECTION 1. Section 45, chapter 189, Laws of 1937 (section 6360-45, Remington's Revised Statutes, also Pierce's Perpetual Code 286-23), is amended to read as follows:

Amend-
ment.

Section 45. All school busses shall be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches (14 x 18) displaying the word "stop" in letters of distinctly contrasting colors not less than eight (8) inches high. All school busses which are put into service after the effective date of this act shall also be equipped with red lamps of a type approved by the state commission on equip-

Equipment
of school
busses.

ment, which shall display a flashing signal. Such sign and lamps shall be displayed as directed by the Chief of the Washington State Patrol and shall display both to the front and rear of such school bus, manually controlled by the operator of the school bus, and shall be displayed only when such school bus is receiving or discharging school passengers and shall be released only when such school passengers are received or discharged and have not further need of protection in crossing the public highway or otherwise.

Operation of
other
vehicles
near school
busses.

It shall be unlawful for any person operating a motor vehicle in either direction upon a two-lane public highway to fail to bring such vehicle to a complete stop at least twenty (20) feet away and on the approach to any school bus on the roadway or off the roadway displaying such stop signal and remain standing until the same is released.

It shall be unlawful for any person operating a motor vehicle in the same direction as a school bus upon a multiple lane public highway to fail to bring such vehicle to a complete stop at least twenty (20) feet away and on the approach to any school bus on the roadway or off the roadway displaying such stop signal and remain standing until the same is released: *Provided*, Compliance with the above stopping provisions of this section shall not relieve any motor vehicle operator of the further duty to exercise reasonable care in approaching or passing any such school bus.

Passed the House March 8, 1945.

Passed the Senate March 8, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 152.

[H. B. 421.]

MOTOR VEHICLES—EXCISE TAX.

AN ACT relating to revenue and taxation; amending an act providing for an excise tax upon certain motor vehicles and trailers in lieu of property taxes thereon; redefining "motor vehicles"; providing as to refunds in certain cases; providing as to the effective date of this act as amended, and the duties of certain state and county officers thereunder; providing as to the apportionment of revenue; providing as to penalty for false statement; amending sections 1, 11, 12 and 14, chapter 144, Laws of 1943 (sections 6312-115, 6312-125, 6312-126 and 6312-128, Rem. Supp. 1943, also Pierce's Perpetual Code 964-51, -62, -71, -73, -77); and amending chapter 144, Laws of 1943 by adding thereto a new section to be known as section 6A; and declaring an emergency.

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

SECTION 1. Section 1, chapter 144, Laws of 1943 (section 6312-115, Rem. Supp. 1943, also Pierce's Perpetual Code 964-51), is hereby amended to read as follows: Amendment.

Section 1. Unless otherwise indicated by the context of this act, the term "motor vehicle" shall mean and include all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but the term shall not include (a) vehicles carrying exempt licenses, (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets or highways, or (c) motor vehicles or their trailers used entirely upon private property. The term "Commission" or "Tax Commission" shall mean the Tax Commission of the State of Motor vehicle defined.
Tax commis-
sion defined.

Person defined.

Washington. The term "person" shall include a firm, partnership, or corporation.

Amendment.

SEC. 2. Chapter 144, Laws of 1943 (section 6312-115 *et seq.*, Rem. Supp. 1943, also Pierce's Perpetual Code 964-62), is hereby amended by adding thereto a new section immediately following section 6 to be known as and numbered 6A and to read as follows:

Excise fee for operations of common or contract carrier equipment.

Section 6A. Whenever any person shall apply to the State Department of Public Service for a permit or identification plates to operate a motor vehicle, in any year, under the provisions of chapter 184, Laws of 1935, as amended, said person shall pay to said Department, together with the fee for such permit or plates, the excise fee payable for that year on said vehicle under the provisions of this act, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person shall furnish to said Department a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application be for a vehicle, licensed in another state, for a permit or plates which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the Department, in accounting to the State Treasurer, shall note the reason for non-collection of the excise.

In any case where a person shall have paid the excise fee for any vehicle for any year to the Department and shall later apply to a County Auditor for a motor vehicle license for such year, such County Auditor shall issue such license without collecting the excise fee but only after verifying the said payment from the excise fee receipt, or from a signed statement, issued by the Department, and in

accounting to the State Treasurer for such non-collection the Auditor shall note the number of such receipt or the number of the identification plates issued by the Department.

The Department shall account for and pay over to the State Treasurer, at the latest within thirty (30) days after it has received payment, the excise fees it has collected under this act, and the State Treasurer shall credit the same to the Motor Vehicle Excise Fund. Payment of tax.

It is the intent of this act that not more than one excise fee imposed under section 2 thereof shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this act applying to the County Auditor shall apply to the State Department of Public Service and those applying to the County Assessor shall apply to the State Tax Commission.

SEC. 3. Section 11, chapter 144, Laws of 1943 (section 6312-125, Rem. Supp. 1943, also Pierce's Perpetual Code 964-71), is hereby amended to read as follows: Amendment.

Section 11. Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this act, and the State Director of Licenses shall determine that said person is entitled to a refund of the entire amount of said license fee as provided by law, then said person shall also be entitled to a refund of the entire excise tax collected under the provisions of this act. In case the Director of Licenses shall determine that any person is entitled to a refund of only a part of the license fee so paid, such person shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the State Treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the Tax Commission and the Association Refund.

of County Assessors. In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the Tax Commission shall determine in the manner generally provided in this act the amount of such excess, if any, that has been paid and shall certify to the State Treasurer that such person is entitled to a refund in said amount. No refund of excise tax shall be allowed under the first or second sentences of this section unless application for a refund of license fee is filed with the Director of Licenses within the period provided by law, and no such refund shall be allowed under the third sentence of this section unless filed with the Tax Commission within ninety (90) days after such claimed excessive excise tax was paid.

Operation
partially
outside state.

Any person authorized by the State Department of Public Service to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the excise tax paid for such vehicle for such year that the mileage actually so operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state. Any claim for such refund must be filed with the Tax Commission at Olympia not later than within the first three (3) months of the following calendar year and the applicant must therewith furnish to the Commission his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the Commission shall approve such claim it shall notify the State Treasurer to that effect, and the said Treasurer is hereby authorized and directed

to make such approved refunds and the other refunds herein provided for from the Motor Vehicle Excise Fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section shall be guilty of a gross misdemeanor. Penalty.

SEC. 4. Section 12, chapter 144, Laws of 1943 (section 6312-126, Rem. Supp. 1943, also Pierce's Perpetual Code 964-73), is hereby amended to read as follows: Amendment.

Section 12. The first tax to be collected under this act, as amended in 1945, shall be for the calendar year 1946 and the duties imposed upon the various state and county officers by this act shall be performed within such time or times as to give effect to this section. No motor vehicle shall be listed and assessed for ad valorem taxation in the year 1945 or any succeeding year, for taxes of the year 1946 or any succeeding year, so long as this act remains in effect, and any such assessment heretofore made in 1945 is hereby directed to be cancelled. Years applicable.

SEC. 5. Section 14, chapter 144, Laws of 1943 (section 6312-128, Rem. Supp. 1943, also Pierce's Perpetual Code 964-77), is hereby amended to read as follows: Amendments.

Section 14. On the first day of the months of January, April, July and October of 1945, and of each year thereafter, the State Treasurer shall make the following apportionment and distribution of all moneys remaining in the Motor Vehicle Excise Fund: Five per cent (5%) thereof shall be credited and transferred to the State General Fund; seventeen per cent (17%) thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; and seventy-eight per cent (78%) thereof Distribution of tax funds.

Distribution
of tax
funds.

shall be credited and transferred to the State School Equalization Fund. The amount so payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of population, according to the latest Federal census: *Provided*, That the State Treasurer shall ascertain as of the first day of January of the year 1944 and each year thereafter whether, subsequent to the latest regular Federal decennial census, any official estimate of the population of any city or town in this state has been made by the Federal Bureau of Census, and if any such estimate has been made the latest of such estimates for any such city or town shall be used in apportioning instead of the population shown in such regular census, and the apportionment so ascertained as of the first day of January of each year shall be used by the Treasurer throughout that calendar year. When so apportioned, the amount payable to each such city and town shall be transmitted to the City Treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise: *Provided, however*, That in case it be adjudged that revenue derived from the excise tax imposed by this act cannot lawfully be apportioned or distributed to cities or towns, then and in that case all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the State General Fund.

Effective
immediately.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 153.

[H. B. 460.]

SURVEY OF EDUCATIONAL INSTITUTIONS.

AN ACT providing for a survey of all educational institutions, facilities, instruction methods and systems within the State of Washington; making recommendations for improvements and betterments; making an appropriation.

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

SECTION 1. The Governor of the State of Washington is hereby authorized to conduct a survey of all existing public schools, schools of higher learning and universities within the State of Washington for the determination of and correlation of the future needs, improvements and betterments of the educational facilities and methods within the State of Washington.

Survey of school system.

SEC. 2. The Governor is empowered to employ qualified individuals, associations or corporations who are not resident in the State of Washington and who shall be recommended by the United States Department of Education to make such a survey and report such findings to the Governor, the State Board of Education and the members elect of the legislature not later than November 15, 1946.

Report when made.

SEC. 3. The Governor is authorized to apply for and accept on behalf of the state and to deposit with the State Treasurer and to expend for the purpose for which granted, any grant or advance by the United States or any agency or officer thereof, to assist in carrying out the purposes of this act.

May accept Federal grant.

SEC. 4. There is hereby appropriated the sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary, from the General Fund of the State Treasury, to be used by the Governor

Appropriation.

for the purpose of carrying out the provisions of this act.

Passed the House March 8, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 154.

[H. B. 434.]

COURT REPORTERS.

AN ACT relating to court reporters and amending section 1, chapter 69, Laws of 1943 (section 42-1, Rem. Supp. 1943, also Pierce's Perpetual Code 108-1).

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

SECTION 1. Section 1, chapter 69, Laws of 1943 (section 42-1, Rem. Supp. 1943, also Pierce's Perpetual Code 108-1), is amended to read as follows:

Appointment
of court
reporters in
certain
counties.

Section 1. It shall be and is the duty of each and every Superior Court judge in counties or judicial districts in the State of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the Superior Court and two official reporters of the Superior Court of the

State of Washington, appointed by the Governor and such stenographic reporter shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: *Provided, however,* That not more than twelve (12) official reporters shall be appointed in any one county and in no event more than there are active judges in any county or judicial district; the appointments in Class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting *en banc*. Each official reporter so appointed shall hold office during the term of office of the judge appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars (\$2,000) for the faithful discharge of his duties. No person shall be appointed to the office of official reporter who is not a citizen of and a duly qualified elector in the State of Washington. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the State of Washington.

Joint
districts.

Removal.

Qualifica-
tions.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 155.

[H. B. 508.]

BOARD OF PRISON, TERMS AND PAROLES.

AN ACT relating to the appointment of the members of the Board of Prison, Terms and Paroles; prescribing the powers and duties and establishing the maximum salaries of certain officials; amending section 8 of chapter 114 of the Laws of 1935 (section 10249-8 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 782-3); and declaring an emergency.

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

SECTION 1. Section 8 of chapter 114 of the Laws of 1935 (section 10249-8 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 782-3) is amended to read as follows:

Board of
Prison
Terms and
Paroles.

Section 8. The Board of Prison, Terms and Paroles will consist of a chairman and two other members, each of whom shall be appointed by the Governor with the consent of the Senate. The terms of the first members shall expire as follows: One member, April 15, 1937; one member, April 15, 1939; and one member April 15, 1941. Thereafter, any person appointed a member of the board shall hold office for a term of six years. Vacancies in the membership of the Board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the Governor shall appoint some competent person to act in his stead during the continuance of such disability. Such members shall not be removable during their respective terms except for cause determined by a Court of competent jurisdiction in Thurston County, Washington. The Governor in appointing such members shall designate one of them to serve as chairman during his term of office.

The members of the Board of Prison, Terms and Paroles and its officers and employees shall not engage in any other business or profession nor hold

any other public office; nor shall they, at the time of appointment nor during their incumbency of office, serve as the representative of any political party on an executive committee or other governing body thereof, nor as an executive officer or employee of any political committee or association. The members of the Board of Prison, Terms and Paroles appointed shall each severally receive salaries, payable in monthly installments, in the sum of seven thousand five hundred dollars (\$7,500) per annum, and in addition thereto, their necessary expenses actually incurred in the discharge of their official duties.

Qualifications.

Salary.

The Board shall have the power to employ, and to fix, with the approval of the Governor, the compensation of and to prescribe the duties of a secretary and such officers, employees and assistants as may be necessary, and to provide necessary quarters, supplies and equipment.

Assistants.

The Board of Prison, Terms and Paroles shall meet at the penitentiary and the reformatory at such times as it may be necessary for a full and complete study of the cases of all convicted persons whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Board. A majority of the Board shall constitute a quorum for the transaction of business and no order of the Board shall be valid unless concurred in by at least two (2) of its members.

Meetings.

The Board of Prison, Terms and Paroles shall transmit to the Governor, for submission to the legislature, biennially, or as often as the Governor may require it, a report of its work, in which shall be given the number of prisoners whose terms of imprisonment have been fixed by it and the number who have been released on parole, and such other information as may be relevant. It shall be the duty of the superintendent of the different institutions to

Report.

provide suitable quarters for the Board and assistants while in the discharge of their duties.

Effective immediately.

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 156.

[H. B. 520.]

REPLACEMENT OF GOVERNOR'S MANSION.

AN ACT providing for the construction of an additional unit to the Capitol group, and for the moving or replacement of the Governor's mansion; for an addition to and re-furnishing the Labor and Industries Building; making appropriations and declaring an emergency.

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

Appropriation for additional units to capitol group.

SECTION 1. There is hereby appropriated from the Capitol Building Construction Fund the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, for the construction of an additional unit to the Capitol group, including engineering and planning and preparation of site.

SEC. 2. There is hereby appropriated from the Capitol Building Construction Fund the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the moving or replacement of the Governor's mansion, including engineering and planning and preparation of site.

SEC. 3. There is hereby appropriated from the Capitol Building Construction Fund the sum of two hundred thousand dollars (\$200,000), or so much

thereof as may be necessary, for an addition to and re-furnishing the Labor and Industries Building.

SEC. 4. The Capitol building construction herein authorized is to be under the direction of the State Capitol Committee, and the monies herein appropriated are to be expended upon vouchers approved by the State Capitol Committee: *Provided, however,* That the State Capitol Committee shall approve only plans and designs which shall allow or permit the construction of a building which conforms in all respects to the general architectural plan and design and be constructed as nearly as possible from the same or similar materials as the main and principal State Capitol Group buildings.

Plans and
design.

SEC. 5. 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 public institutions, and shall take effect April 1, 1945.

Effective
immediately.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.

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CHAPTER 157.

[S. B. 22.]

BIRTH CERTIFICATES.

AN ACT describing contents of a certificate of birth, preventing the disclosure of illegitimacy, and amending section 13, chapter 83, Laws of 1907 (section 6030, Remington's Revised Statutes; section 5317, Pierce's Code, also Pierce's Perpetual Code 806-25).

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

Amend-
ments.

SECTION 1. Section 13, chapter 83, Laws of 1907 (section 6030, Remington's Revised Statutes; also section 5317, Pierce's Code, Pierce's Perpetual Code 806-25) is amended to read as follows:

Section 13. * * * * The certificate of birth shall contain the following items:

Contents of
birth
certificate.

(1) Place of birth, including state, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital, or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of the child. If the child dies without a name, before the certificate is filed enter the words "died unnamed." If the living child has not been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving the number of child in order of birth.

(5) Whether legitimate or illegitimate: *Provided*, That disclosure of illegitimacy of birth, or of information from which it can be ascertained, may be made only upon order of a court, except in

cases where written notice is received from an attorney that the illegitimate child is to be adopted.

- (6) Full name of father.
- (7) Residence of father.
- (8) Color or race of father.
- (9) Birthplace of father.
- (10) Age of father at last birthday, in years.
- (11) Occupation of father.
- (12) Maiden name of mother, in full.
- (13) Residence of mother.
- (14) Color or race of mother.
- (15) Birthplace of mother.
- (16) Age of mother at last birthday, in years.
- (17) Occupation of mother.
- (18) Number of child of this mother, and number of children of this mother now living.

Contents
of birth
certificates.

Passed the Senate February 12, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 158.

[S. B. 23.]

VITAL STATISTICS—CERTIFIED COPIES OF RECORDS.

AN ACT relating to vital statistics, providing for the issuance of certified copies of records, prescribing the fees and exemptions therefrom, preventing the disclosure of illegitimacy, and amending section 2, chapter 168, Laws of 1937 (section 6037, Remington's Revised Statutes, also Pierce's Perpetual Code 806-39).

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

SECTION 1. Section 2, chapter 168, Laws of 1937 (section 6037, Remington's Revised Statutes, also Pierce's Perpetual Code 806-39) is amended to read as follows:

Amend-
ments.

Section 2. It shall be the duty of the State Registrar to, upon request, furnish any applicant with a

Contents
of copies
of birth
records.

Require-
ments
prescribed.

certified copy of the record of any birth or death, registered under the provisions of this act, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall be entitled to a fee of fifty cents (50¢) to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney that the illegitimate child is to be adopted: *And provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth or death to any veteran of World Wars I or II, or Spanish-American War, or dependent mother or father for use in connection with a claim for compensation or pension pending before the Veterans' Administration. For any search of the files and the records when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents (50¢) for each hour or fractional part of an hour employed in such search, to be paid by the applicant. But the State Registrar and all local registrars shall furnish upon application certificates of the age of children to be used in attending the public schools or in obtaining employment permits without fee or compensation. The State Department of Health shall keep a true and correct account of all fees received under the provisions of this act, and turn the same over to the State Treasurer on the first day of January, April, July and October. Local registrars in cities of the first, second and third class shall be entitled to charge for certified copies of records of births and deaths and for searching of records when no certified copy is made, the same fee as hereinabove provided, but such

fees, if any collected, shall be paid into the treasury of the city where collected.

Passed the Senate February 12, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 159.

[S. B. 24.]

REGISTRATION OF DEATHS AND STILLBIRTHS.

AN ACT relating to vital statistics and the registration of deaths and stillbirths; providing the procedure therefor; defining a stillbirth; providing the form of certificates; and procedure in cases of death without medical attendance; and repealing section 5, chapter 83, Laws of 1907, as amended by section 4, chapter 180, Laws of 1915 (section 6022, Remington's Revised Statutes, also Pierce's Perpetual Code 806-9); section 6, chapter 83, Laws of 1907, as amended by section 1, chapter 168, Laws of 1937 (section 6023, Remington's Revised Statutes, also Pierce's Perpetual Code 806-11); and section 7, chapter 83, Laws of 1907, as amended by section 5, chapter 180, Laws of 1915 (section 6024, Remington's Revised Statutes, also Pierce's Perpetual Code 806-13).

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

SECTION 1. A certificate of every death or stillbirth shall be filed with the Local Registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known, or if the place of death or stillbirth is not known, then with the Local Registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to the interment or other disposition of the body.

Registration
of deaths
and
stillbirths.

SEC. 2. The funeral director or person in charge of interment shall file the certificate of death or stillbirth. In preparing such certificate, the funeral director or person in charge of interment shall obtain

and enter on the certificate such personal data as the certificate requires from the person or persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased, or, if the deceased died without medical attendance, to the health officer, Coroner or Prosecuting Attorney having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Duties of
Coroner and
Prosecuting
Attorney.

SEC. 3. If the death occurred without medical attendance, the funeral director or person in charge of interment shall notify the Coroner, or Prosecuting Attorney if there be no Coroner in the county. If the circumstances suggest that the death or stillbirth was caused by unlawful or unnatural causes or if there be no local health officer with jurisdiction, then the Coroner or Prosecuting Attorney shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death. If, after investigation, the Coroner or Prosecuting Attorney shall find that the death was not due to unlawful or unnatural causes, he shall refer the case to the local health officer or duly authorized deputy, who shall complete and sign the certificate, noting upon it that no physician was in attendance at the time of death.

SEC. 4. If the cause of death cannot be determined within three (3) days, the certification of its cause may be filed after the prescribed period, but the attending physician, Coroner, or Prosecuting Attorney shall give the Local Registrar of the district in which the death occurred written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued if required.

SEC. 5. For the purposes of this act, a stillbirth means a birth after at least twenty (20) weeks of gestation in which the child shows no evidence of life after complete birth. The words "evidence of life" include heart action, breathing or movement of voluntary muscle.

Stillbirth
defined.

SEC. 6. The forms of certificate shall include as a minimum the items required by the respective standard certificates as recommended by the United States Bureau of the Census subject to approval of and modification by the Washington State Board of Health.

Certificate
require-
ments.

SEC. 7. Section 5, chapter 83, Laws of 1907, as amended by section 4, chapter 180, Laws of 1915 (section 6022, Remington's Revised Statutes, also Pierce's Perpetual Code 806-9); section 6, chapter 83, Laws of 1907, as amended by section 1, chapter 168, Laws of 1937 (section 6023, Remington's Revised Statutes, also Pierce's Perpetual Code 806-11); and section 7, chapter 83, Laws of 1907, as amended by section 5, chapter 180, Laws of 1915 (section 6024, Remington's Revised Statutes, also Pierce's Perpetual Code 806-13) are hereby repealed.

Acts
repealed.

Passed the Senate February 12, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 160.

[S. B. 162.]

PUBLIC HEALTH.

AN ACT making a deficiency appropriation to the Department of Health for payment of public health work operations for the biennium ending March 31, 1945, and declaring an emergency.

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

Deficiency appropriation for Health Department.

SECTION 1. By reason of a deficiency existing in the appropriations made by the twenty-eighth regular session of the Legislature, the sum of thirty-five thousand dollars (\$35,000), or as much thereof as may be necessary, is appropriated from the General Fund for the use of the Department of Health in payment of public health work operations for the biennium ending March 31, 1945: *Provided*, That expenditures herefrom are not to exceed amounts received and credited to General Fund from the Federal Government for public health work.

Effective immediately.

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

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 161.

[S. B. 172.]

SLAUGHTER OF LIVESTOCK.

AN ACT relating to the inspection and slaughtering of livestock; providing for the keeping of records; providing for the licensing of slaughtering establishments; providing for the issuance of permits for farm slaughterers; providing for the establishment of a brand inspection fund; providing for revocation of licenses and permits; providing for the stamping of carcasses of meat food animals; providing for presentation and inspection of livestock; requiring proof of ownership; declaring certain animals to be estrays; providing for sale of same and disposition of proceeds; and repealing sections 5 and 7, chapter 75, Laws of 1937 (sections 3169-5 and 3169-7, Remington's Revised Statutes, also Pierce's Perpetual Code 729-9, 729-13), and section 5, chapter 198, Laws of 1939 (section 3169-10c, Remington's Revised Statutes, also Pierce's Perpetual Code 729-38).

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

SECTION 1. Any person, firm or corporation operating a permanent slaughtering establishment within the State of Washington shall keep a record, in triplicate, on forms to be furnished by the Director of Agriculture, of all animals purchased for slaughter; the original to be mailed to the Director of Agriculture, Olympia, one copy to be retained by the person or persons operating such slaughtering establishment, and the seller or consignor to receive a triplicate copy. The consignor or seller and the person or persons operating such slaughtering establishment shall retain such record for six (6) months, the same to be subject to examination as provided in section 2, chapter 75, Laws of 1937.

Records for
slaughtering
of livestock.

SEC. 2. Any person, firm or corporation engaged in slaughter for wholesale. slaughter for retail from more than one shop, or custom slaughtering for dealers shall secure from the Director of Agriculture an annual license to operate as a wholesale slaughterer

License.

and pay an annual license fee of one hundred dollars (\$100.)

Fee.

SEC. 3. Any person, firm or corporation engaged in slaughter for retail from one shop, or custom killing for farmer, or both, shall secure from the Director of Agriculture an annual license to operate as a retail slaughterer and pay an annual license fee of twenty-five dollars (\$25).

Farm slaughterer.

SEC. 4. Any bona fide farmer engaged in slaughter for wholesale or retail shall secure from the Director of Agriculture an annual permit to operate as a farm slaughterer.

SEC. 5. Bona fide farmers slaughtering animals on their own ranch for their own consumption shall not be restricted by the provisions of sections 1, 2, 3 and 4 of this act.

Use of fee funds.

SEC. 6. Funds collected for license fees and inspection fees shall be retained by the Director of Agriculture to be used for the enforcement of this act, chapter 75, Laws of 1937 and chapter 198, Laws of 1939.

Revocation of license.

SEC. 7. Any license or permit issued under this act shall expire on the 30th day of June next subsequent to the date of issue, and may be sooner revoked by the Director of Agriculture, upon reasonable notice to the licensee or permittee, for violations of the provisions of this act or chapter 75, Laws of 1937, or chapter 198, Laws of 1939, or any lawful regulations issued and promulgated by the Director of Agriculture under such acts. Any licensee or permittee under this act shall have the right to demand a hearing before a revocation is made permanent.

Possession of unmarked meat unlawful.

SEC. 8. It shall be unlawful for any person, firm or corporation to transport, have in his or their possession, or to have on his or their premises any carcass of a meat food animal that does not bear the clearly legible establishment number of a licensed

slaughtering establishment or the permit number of a farm slaughterer: *Provided*, That this provision shall not apply to carcasses slaughtered by a farmer for his own consumption, to the premises of a licensed slaughtering establishment, and to carcasses of animals that have died other than by slaughter.

SEC. 9. All unbranded cattle, horses, mules and asses and those bearing brands not recorded by the State of Washington that are not accompanied by a certificate of permit, and those bearing brands recorded by the State of Washington that are not accompanied by a certificate of permit signed by the owner of the recorded brand when such animals are presented for inspection, are hereby declared estrays, unless other satisfactory proof of ownership, as required by this act, is presented showing the person presenting the same for inspection to be lawfully in possession. Such estrays shall be sold by the Director of Agriculture or his authorized agent who shall give the purchaser a bill of sale for such animal or animals.

Unbranded
animals.

Estrays.

SEC. 10. The proceeds for the sale of said estrays, after paying the cost thereof, shall be paid to the Director of Agriculture and shall be retained by him until disposed of as hereinafter provided. The Director shall make a record showing the brand or brands and marks and other means of identification of such animals and the amount realized from the sale of same.

Proceeds of
estrays.

SEC. 11. When a person has been notified by registered mail that animals bearing his recorded brand have been sold by the Director, such person shall be required to present to the Director a claim on the proceeds of such sale within ten (10) days from the receipt of the registered mail or the Director may decide that no claim exists.

Claims for
estrays.

SEC. 12. If, after the expiration of one (1) year from the date of such sale, the person presenting

such animals for inspection has not provided the Director with satisfactory proof of ownership, the proceeds from the sale shall be paid on the claim of the owner of the recorded brand.

SEC. 13. If, after the expiration of one (1) year from the date of such sale, no claim is made, said money shall be credited to the Department of Agriculture to be expended in carrying out the provisions of this act.

Rules and regulations.

SEC. 14. The Director of Agriculture is authorized and shall make such regulations as may be necessary to effectuate the provisions of this act and the provisions of chapter 198, Laws of 1939: *Provided*, That such regulations shall be consistent with the provisions of this act and of chapter 198, Laws of 1939.

Acts repealed.

SEC. 15. Sections 5 and 7, chapter 75, Laws of 1937 (sections 3169-5 and 3169-7, Remington's Revised Statutes, also Pierce's Perpetual Code 729-9, 729-13, 729-33), and section 5, chapter 198, Laws of 1939 (section 3169-10c, Remington's Revised Statutes), are hereby repealed.

Partial invalidity.

SEC. 16. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, nor any section, sentence, phrase, or word thereof, not adjudged invalid or unconstitutional.

Passed the Senate February 14, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 162.

[S. B. 217.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to fire protection districts; permitting cities of the fourth class to be included therein; and amending section 1, chapter 34, Laws of 1939, as last amended by section 1, chapter 121, Laws of 1943 (section 5654-101, Rem. Supp. 1943, also Pierce's Perpetual Code 540-1), and section 3, chapter 70, Laws of 1941, which added a new section known as 16a to chapter 34, Laws of 1939 (section 5654-116a, Rem. Supp. 1941, also Pierce's Perpetual Code 540-33), and section 22, chapter 34, Laws of 1939 (section 5654-122, Remington's Revised Statutes, also Pierce's Perpetual Code 540-45).

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

SECTION 1. Section 1, chapter 34, Laws of 1939, as last amended by section 1, chapter 121, Laws of 1943 (section 5654-101, Rem. Supp. 1943, also Pierce's Perpetual Code 540-1), is amended to read as follows: Amendments.

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

SEC. 2. Section 13a, as added to chapter 34, Laws of 1939 by section 3, chapter 70, Laws of 1941 (section 5654-116a, Rem. Supp. 1941, also Pierce's Perpetual Code 540-33), is amended to read as follows: Amendments.

Section 16a. Any territory contiguous to a fire-protection district and not within the boundaries of an incorporated city of the first, second or third class 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 Formation.

Formation of
districts.

proposed to be annexed: *Provided*, That if territory included in a city of the fourth class is annexed the entire territory within such fourth class city must be annexed as a unit. 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 electors 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.

Amend-
ments.

SEC. 3. Section 22, chapter 34, Laws of 1939 (section 5654-122, Remington's Revised Statutes, also Pierce's Perpetual Code 540-45), is amended to read as follows:

Section 22. The affairs of the district shall be managed by a Board of Fire Commissioners composed of three (3) qualified resident electors of the district. The members of the Board of Fire Commissioners shall receive no compensation for their services rendered the district, but shall receive necessary expenses in attending meetings of the Board or when otherwise engaged on district business. The Board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The first Fire Commissioners of the district shall serve until after the next general election for the selection of District Fire Commissioners and until their successors have been elected or appointed and have qualified as provided by law. When a fire district includes one or more cities of the fourth class the Board of Fire Commissioners herein created shall have authority over all matters relating to fire prevention and fire protection and elimination of fire hazards and such authority shall supersede all authority of the town councils of such fourth class cities as to such matters.

Board of
fire com-
missioners.

Passed the Senate February 25, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 163.

[S. B. 219.]

IRRIGATION DISTRICT FUNDS.

AN ACT relating to irrigation districts; granting them certain powers; providing for deposit of funds in the custody of the board of control of the Sunnyside Division, Yakima Project, and withdrawal thereof; providing for auditing of accounts and levy of assessments; and declaring an emergency.

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

Deposit of funds of Sunnyside Division, Yakima Project.

SECTION 1. Funds in the custody of the board of control of the Sunnyside Division, Yakima Project, or any similar board created or operated by contract or otherwise under or pursuant to the Federal Reclamation Laws, or acting as operating agent for the United States and/or irrigation districts of this state or of other states, may be deposited on general deposit in any one or more banks in this state which such board of control may designate. All such deposits shall be made in the name of the board and be subject to payment on demand on the check of any officer or agent fully authorized and designated by such board. The board of control of the Sunnyside Division, Yakima Project, referred to herein, is the board of control created by the respective contracts entered into by and between the United States of America and the Sunnyside Valley Irrigation District and other irrigation districts of the Sunnyside Division of the Yakima Project, in the State of Washington, under the provisions of the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, all generally referred to as the Federal Reclamation Laws.

Security for deposits.

SEC. 2. Upon the designation of any bank by the board of control as in this act provided, the bank shall furnish security for any deposits by mortgage, pledge or hypothecation of bank assets or otherwise in such manner as may be agreed upon between the board of control and the bank, or in lieu thereof,

the bank shall file with the board of control a surety bond to such board of control, properly executed by some reliable surety company qualified under the laws of this state to do business therein, in the maximum amount of deposits designated by said board to be carried in such bank, conditioned for the prompt and faithful payment thereof on checks drawn by the officer or agent fully authorized and designated by such board.

SEC. 3. The State Auditor shall audit the books, records and affairs of the board of control every two (2) years, or at such other times as the board shall request, and the costs of the audit shall be paid by said board.

Audit of books.

SEC. 4. Each irrigation district which has or hereafter may enter into a contract with the United States of America providing for the operation and maintenance of irrigation works used in common with other districts, shall include in the annual levy of assessments a sufficient amount to pay the annual estimated pro rata proportion of the costs chargeable to such district and also such reserve fund as may be fixed by the contract: *Provided*, That any district may appropriate monies from other funds to pay said costs.

Annual assessments.

When assessments are paid to the County Treasurer they shall be deposited in a special fund, known as the "board of control fund," and may be disbursed by the district to pay the costs of operation and maintenance of works transferred to the board of control or works reserved and operated by the United States of America.

Board of control fund.

SEC. 5. Any irrigation district, city, town, or other water user or users whose lands are irrigated by water carried in works transferred by the United States to a board of control, are hereby authorized to enter into contract with another irrigation district whose lands are irrigated by water carried in

Contracts between districts.

the same canal to operate and maintain the main canal and other works known as transferred works, and to pay such district in a lump sum its pro rata proportion of the cost of maintenance and operation of such transferred works: *Provided*, That the amount said pro rata proportion may be estimated and such estimated amount paid at the beginning of any year, and at the end of the year the board shall after determining the true pro rata amount of such user's cost, require such user to pay the balance, if any, of said true pro rata amount.

Contracts for maintenance.

SEC. 6. Any irrigation district, city, town, or other water user or users whose lands are irrigated by water carried in works transferred by the United States to a board of control are hereby authorized to enter into contract with the board of control for the operation and maintenance of the irrigation works within the district by the board of control and to pay such district in a lump sum the cost of maintenance and operation of such works within the district: *Provided*, That the amount of the cost of operation of the works in the district may be estimated and the estimated amount paid to the board. At the end of each year the board shall, after determining the true amount of such costs of operation, require such district to pay the balance, if any, of such true amount.

Powers to sue.

SEC. 7. Any such board of control may sue or be sued in any of the courts of this state without joining the person, corporation or district for whose benefit the suit may be prosecuted or defended.

Effective immediately.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 22, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 164.

[S. B. 251.]

DEFICIENCY APPROPRIATION—CENTRAL STORES
REVOLVING FUND.

AN ACT making a deficiency appropriation for the Central Stores Revolving Fund for the Department of Finance, Budget and Business; and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the Central Stores Revolving Fund and in the appropriations made by the Twenty-eighth Legislature, there is hereby appropriated out of any moneys in the General Fund in the State Treasury the sum of four hundred thousand dollars (\$400,000), to the Department of Finance, Budget and Business for the purpose of increasing the Central Stores Revolving Fund operating capital.

Deficiency
appropriation
Central
Stores
Revolving
Fund.

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

Effective
immediately.

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 165.

[S. B. 263.]

DEFICIENCY—WASHINGTON STATE TRAINING SCHOOL.

AN ACT making a deficiency appropriation for the payment of salaries and operation expense of the Washington State Training School.

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

Deficiency appropriation Washington State Training School.

SECTION 1. By reason of a deficiency in the appropriations made by the Twenty-Eighth Regular Session of the Legislature, the sum of twelve thousand five hundred dollars (\$12,500), or as much thereof as may be necessary, is appropriated from the General Fund for use of the Department of Finance, Budget and Business in payment of salaries, wages and operations for the Washington State Training School.

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 February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 166.

[S. B. 371.]

APPROPRIATION—GOVERNOR.

AN ACT appropriating the sum of \$10,000 to the Governor to defray the expense of this state's participation in the conference of Western Governors and declaring an emergency.

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

SECTION 1. There is hereby appropriated to the Governor of the State of Washington from the general fund for the fiscal biennium ending March 31, 1947, the sum of \$10,000 for the purpose of enabling the Governor to defray the expense of this state's participation in the Conference of Western Governors which has heretofore been fixed at \$5,000 per annum. The appropriation made by this act shall be available only in the event that each of the remaining ten states holding membership in the Conference of Western Governors contributes a like amount.

Appropriation for Governors' Conference.

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

Effective immediately.

Passed the Senate March 1, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 167.

[S. B. 71.]

ELECTIONS—REGISTRATION BY MAIL.

AN ACT relating to registration of voters, providing for registering voters by mail and amending chapter 1, Laws of 1933, by adding a new section to be known as section 12a.

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

Amend-
ment.

SECTION 1. Chapter 1, Laws of 1933, is hereby amended by adding thereto a new section to be known as section 12a, which shall read as follows:

Section 12a. Any citizen possessing the qualifications of an elector may register to vote by mail in the following manner:

He shall mail a signed request, giving his legal residence, to the registrar of voters of the precinct in which such legal residence is situated. No such request shall be honored unless it originates and is posted in the county in which the applicant's precinct is located.

Registra-
tion by
mail.

The registrar, on receipt of such signed request, shall forward to the applicant at the address of his legal residence a printed interrogatory containing the oath and questions prescribed in section 11 of this act, together with the cards and oaths prescribed in section 12 of this act, with appropriate printed instructions, and the applicant shall execute the same before any notary public in and for the State of Washington, or any other officer authorized to acknowledge deeds, who shall attest such execution and oaths without charge. The documents so signed and attested shall then be returned to the registrar by mail in an envelope on which postage has been prepaid by said registrar.

Upon receipt of said documents, duly executed, the registrar shall proceed to enter such applicant upon his records as a registered voter.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 168.

[S. B. 83.]

WASHINGTON COORDINATE SYSTEM.

AN ACT to describe, define, and officially adopt a system of coordinates for designating and stating the positions of points on the surface of the earth within the State of Washington.

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

SECTION 1. The system of plane coordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Washington is hereafter to be known and designated as the "Washington Coordinate System."

Adopting a system of coordinates.

For the purpose of the use of this system the state is divided into a "North Zone" and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Chelan, Clallam, Douglas, Ferry, Island, Jefferson, King, Kitsap, Lincoln, Okanogan, Pend Oreille, San Juan, Skagit, Snohomish, Spokane, Stevens, Whatcom, and that part of Grant lying north of parallel 47° 30' north latitude.

The area now included in the following counties shall constitute the South Zone: Adams, Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, that part of Grant lying south of parallel 47° 30' north latitude, Grays Harbor, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Walla Walla, Whitman, and Yakima.

SEC. 2. As established for use in the North Zone, the Washington Coordinate System shall be named, and in any land description in which it is used it shall be designated, the "Washington Coordinate System, North Zone."

As established for use in the South Zone, the Washington Coordinate System shall be named, and in any land description in which it is used it shall be designated, the "Washington Coordinate System, South Zone."

Adopting a system of coordinates.

SEC. 3. The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to the coordinates, on the Washington Coordinate System, of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the State of Washington, as those coordinates have been determined by the said survey.

SEC. 4. When any tract of land to be defined by a single description extends from one into the other of the above coordinate zones, the positions of all points on its boundaries may be referred to either of said zones, the zone which is used being specifically named in the description.

SEC. 5. For purposes of more precisely defining the Washington Coordinate System, the following definition by the United States Coast and Geodetic Survey is adopted:

Definition of system.

The Washington Coordinate System, North Zone, is a Lambert conformal projection of the Clarke Spheroid of 1866, having standard parallels at north latitudes $47^{\circ} 30'$ and $48^{\circ} 44'$, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian $120^{\circ} 50'$ west of Greenwich and the meridian $47^{\circ} 00'$ north latitude.

This origin is given the coordinates: $x = 2,000,000$ feet and $y = 0$ feet.

The Washington Coordinate System, South Zone, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes $45^{\circ} 50'$ and $47^{\circ} 20'$, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian $120^{\circ} 30'$ west of Greenwich and the parallel $45^{\circ} 20'$ north latitude. This origin is given the coordinates: $x = 2,000,000$ feet and $y = 0$ feet.

Definition
of system.

The position of the Washington Coordinate System shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927, and whose coordinates have been computed on the system herein defined. Any such station may be used to establish a survey connection with the Washington Coordinate System.

SEC. 6. No coordinates based on the Washington Coordinate System, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within one-half mile of a triangulation or traverse station established in conformity with the standards prescribed in section 5 of this act: *Provided*, That said one-half mile limitation may be modified by a duly authorized state agency to meet local conditions.

Limitations.

SEC. 7. The use of the term "Washington Coordinate System" on any map, report of survey, or other document, shall be limited to coordinates based on the Washington Coordinate System as defined in this act.

Use of
term

Conflicts.

SEC. 8. Whenever coordinates based on the Washington Coordinate System are used to describe any tract of land which in the same document is also described by reference to any subdivision, line or corner of the United States public land surveys, the description by coordinates shall be construed as supplemental to the basic description of such subdivision, line, or corner contained in the official plats and field notes filed of record, and in the event of any conflict the description by reference to the subdivision, line, or corner of the United States public land surveys shall prevail over the description by coordinates.

SEC. 9. Nothing contained in this act shall require any purchaser or mortgagee to rely on a description, any part of which depends exclusively upon the Washington Coordinate System.

Partial
invalidity.

SEC. 10. If any provision of this act shall be declared invalid, such invalidity shall not affect any other portion of this act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Passed the Senate February 25, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 169.

[S. B. 89.]

REGULATION OF BAKERIES.

AN ACT relating to bakeries; providing for additional regulation affecting the sale of bakery products; and amending chapter 137, Laws of 1937 (sections 6284-1 to 6284-12, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 298-16), by adding a new section to be known as section 8 (a):

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

SECTION 1. Chapter 137, Laws of 1937 (sections 6284-1 to 6284-12, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 298-16), is amended by adding a new section to be known as section 8 (a).

Section 8. (a) No baker, or other seller or distributor of bakery products, his agents or employees, shall deliver bakery products on consignment or otherwise than pursuant to a bona fide sale of such products; or give any refund, credit, exchange, discount, gift, or allowance, for or in connection with the sale or delivery of bakery products; or resume possession or accept the return of any bakery product. No purchaser of bakery products shall accept delivery of such products on consignment or otherwise than pursuant to a bona fide sale of such products; or return any bakery product to any seller thereof; or accept any refund, credit, exchange, discount, gift, or allowance for or in connection with the purchase or delivery of bakery products. This paragraph shall not be construed to prohibit such discounts as are based upon quantities, cash payments, or reasonable customer classification, and which are openly published and equally available to all who fall within their terms.

Sale of
bakery
products.

Passed the Senate February 15, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 170.

[S. B. 143.]

RENTAL OF TAX FORECLOSED PROPERTY BY COUNTIES.

AN ACT relating to county property acquired for delinquent taxes; authorizing counties to rent the same; providing for the expenses, repair, management and maintenance and insurance thereof; and declaring an emergency.

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

SECTION 1. The Board of County Commissioners of any county may, pending sale of any county property acquired by foreclosure of delinquent taxes, rent any portion thereof on a tenancy from month to month. From the proceeds of the rentals the Board of County Commissioners shall first pay all expense in management of said property and in repairing, maintaining and insuring the improvements thereon, and the balance of said proceeds shall be paid to the various taxing units interested in the taxes levied against said property in the same proportion as the current tax levies of the taxing units having levies against said property.

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

Passed the Senate March 6, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

Rental of tax fore-closed property by counties.

Effective immediately.

CHAPTER 171.

[S. B. 132.]

MOTOR VEHICLE LICENSE FEES.

AN ACT relating to motor vehicles; and providing for the payment of license fees based on gross weight of motor vehicles, and certain seat fees on for-hire vehicles, busses and auto stages on a reduced basis in accordance with portion of year licenses, and amending section 1, chapter 194, Laws of 1943 (section 6312-18a, Rem. Supp. 1943, also Pierce's Perpetual Code 290-6).

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

SECTION 1. Section 1, chapter 194, Laws of 1943 (section 6312-18a, Rem. Supp. 1943, also Pierce's Perpetual Code 290-6), is amended to read as follows: Amendments.

Section 1. Whenever any person, firm or corporation applies for a license on a motor truck, trailer, tractor, semi-trailer, for-hire vehicle, bus or auto stage subsequent to March 31 of any calendar year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows: Licenses of motor vehicles may be purchased for portions of a year.

Upon motor vehicles above described licensed in this state after March 31 of any year, but before July 1, the license fees imposed by this section for such year shall be reduced by one-fourth ($\frac{1}{4}$) thereof; upon vehicles licensed in this state after June 30 of any year, but before October 1, the license fees shall be reduced by one-half ($\frac{1}{2}$) thereof; and upon vehicles licensed in this state after September 30 of any year the license fees shall be reduced by three-fourths ($\frac{3}{4}$) thereof: *Provided*, That such reductions shall not apply to special permits.

Passed the Senate February 15, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 172.

[S. B. 211.]

SALE OF TAX FORECLOSED PROPERTY BY COUNTIES.

AN ACT relating to the sale by counties of real property acquired for delinquent taxes; providing for the reservation from sale of coal, oil, gas, minerals, ores, fossils, timber and other resources on or in said real property and for the sale thereof apart from the land; and amending section 133, chapter 130, Laws of Extraordinary Session, 1925, as last amended by section 1, chapter 68, Laws of 1937 (section 11294, Remington's Revised Statutes, also Pierce's Perpetual Code 979-325); and amending section 134, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 2, chapter 263, Laws of 1927 (section 11295, Remington's Revised Statutes, also Pierce's Perpetual Code 979-327), and amending section 1, chapter LXXVI, Laws of 1891, as amended by section 1, chapter 19, Laws of 1943 (section 4007, Rem. Supp. 1943, also Pierce's Perpetual Code 487-1).

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

Amendments.

SECTION 1. Section 133, chapter 130, Laws of Extraordinary Session, 1925, as last amended by section 1, chapter 68, Laws of 1937 (section 11294, Remington's Revised Statutes, also Pierce's Perpetual Code 979-325), is amended to read as follows:

Sale of real property by counties.

Section 133. Real property heretofore or hereafter acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the Board of County Commissioners of the county when in the judgment of the members of the Board they deem it for the best interests of the county to sell the same. When the Board desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in said lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the

property shall be sold and the minimum price for each of such units, and reserving from sale such of said resources as it may determine and from which units such reservations shall apply, and directing the County Treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by said Board: *Provided*, That the said order shall be subject to the approval of the County Treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the County Treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published, the Treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, said notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at the front door of the county courthouse in the county in which the land is situated between the hours of 9 o'clock a. m. and 4 o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this act may be adjourned from day to day by the County Treasurer by public announcement made by the Treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said prop-

Procedure.

Notice.

How sale made.

Cash or contract sales.

erty. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty per cent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay six per cent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest: *Provided further*, That said Board may, by order entered in its records, direct said coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land: *Provided further*, That any such re-

Subsequent
taxes.

Sale of
mineral
rights or
timber apart
from the
land.

served minerals or resources not exceeding two hundred dollars (\$200) in value may be sold, when said Board deems it advisable, either with or without such publication of the notice of sale, and in such manner as the Board may determine will be most beneficial to the county.

SEC. 2. Section 134, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 2, chapter 263, Laws of 1927 (section 11295, Remington's Revised Statutes, also Pierce's Perpetual Code 979-327), is amended to read as follows: Amendments.

Section 134. The County Treasurer shall upon payment to him of the purchase price for said property and any interest due, make and execute under his hand and seal, and issue to the purchaser, a deed in the following form for any lots or parcels of real property sold under the provisions of the preceding section.

State of Washington }
 County of } ss.

This indenture, made this day of
, 19....., between,
 as Treasurer of County, State of
 Washington, the party of the first part, and
, party of the second part. Form of
deed.

WITNESSETH, That whereas, at a public sale of real property, held on the day of, A. D., 19....., pursuant to an order of the Board of County Commissioner of the County of, State of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said Board of County Commissioners, and of the laws of the State of Washington, and for and in consideration of the sum of dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this

day sold to the following described real property, and which said real property is the property of County, and which is particularly described as follows, towit:

Form of deed.

....., the said being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale;

Now, Therefore, Know ye that I,, County Treasurer of said County of, State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant and convey unto, heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this..... day of, A. D. 19.....

.....
County Treasurer,

By.....

Deputy:

Procedure when mineral rights reserved.

Provided, That when by order of the Board of County Commissioners any of the minerals or other resources enumerated in section 133, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 1 of this act are reserved, the deed or contract of purchase shall contain the following reservation:

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever; all oils, gases, coals, ores, minerals, gravel, timber and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, gravel, tim-

ber and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease,

Form of
reservation
of mineral
or timber
rights.

for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer: *Provided*, The County Treasurer shall cross out of such reservation any of said minerals or other resources which were not reserved by order of the said Board.

Amendments. **SEC. 3.** Section 1, chapter LXXVI, Laws of 1891, as amended by section 1, chapter 19, Laws of 1943 (section 4007, Rem. Supp. 1943, also Pierce's Perpetual Code 487-1), is amended to read as follows:

Commiss-
sioners may
sell.

Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of such county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of the property, whether real, personal, or mixed, belonging to said county, including tax title land, should be sold, it shall be the duty of such Board, and they are hereby authorized and empowered, to sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided. In making such sales the Board of County Commissioners may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this act for the sale of real property. The Board of County Commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of such lands shall contain the following reservation:

Resources
may be sold
separately.

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber and

fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then

Reservation.

Payment of damages for entry.

the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer: *Provided further*, That any of such reserved minerals or other resources not exceeding two hundred dollars (\$200) in value may be sold, when said Board deems it advisable, either with or without such publication of notice of sale, and in such manner as the Board may determine will be most beneficial to the county.

Limitation.

Passed the Senate February 26, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 173.

[S. B. 229.]

DIVISION OF PROGRESS AND INDUSTRY DEVELOPMENT.

AN ACT relating to state government; creating the Division of Progress and Industry Development in the Department of Conservation and Development; providing and making an appropriation for the support thereof; abolishing the Washington State Progress Commission and the Washington State Planning Council; and declaring an emergency.

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

SECTION 1. In addition to the divisions of the Department of Conservation and Development of the State of Washington now established by law there is hereby established in the said Department the Division of Progress and Industry Development.

Division of
Progress and
Industry
Develop-
ment.

SEC. 2. The Director of Conservation and Development shall have the power and it shall be his duty through and by means of the Division of Progress and Industry Development to exercise all the powers and perform all the duties now vested in and required to be performed by the Washington State Progress Commission and the Washington State Planning Council and to exercise such other powers and perform such other duties as may be provided by law.

Duties of
Director of
Conservation
and Develop-
ment.

SEC. 3. The Director of Conservation and Development shall have power to appoint and depute a competent assistant director to be known as the Supervisor of Progress and Industry Development, who shall have charge and supervision of the Division of Progress and Industry Development and who, with the approval of the director, shall have power to appoint and employ such technical, clerical and other assistants as may be necessary to carry on the work of the division.

Assistant
director.

SEC. 4. The Washington State Progress Commission and the Washington State Planning Council are hereby abolished, but the abolishment of said council and said commission shall not in any way affect the character or scope of the powers or duties conferred upon said commission and said council, which are hereby transferred to the Director of Conservation and Development, nor shall the abolishment of said commission and council affect the validity of any act done or performed by said commission or council or any agent thereof prior to the effective date of this act.

Progress
Commission
and
Planning
Council
abolished.

SEC. 5. It shall be the duty of the responsible officials of the Washington State Progress Commission and the Washington State Planning Council to deliver, transfer and surrender to the Director of Conservation and Development all books, papers, documents, records, data, files, all other equipment

and property, together with all pending business in any way belonging or pertaining to said commission and said council immediately upon the going into effect of this act.

Pending matters.

SEC. 6. All matters pending before or under consideration by the Washington State Progress Commission or the Washington State Planning Council and not completed at the time of taking effect of this act may be completed by the Director of Conservation and Development, who shall have complete power to promulgate any and all orders, rules and regulations necessary for the conduct of the Division of Progress and Industry Development.

Appropriations.

SEC. 7. Any and all sums of money appropriated or re-appropriated to or for the use of the Washington State Progress Commission or the Washington State Planning Council are hereby declared to be appropriated or re-appropriated, as the case may be, to and for the use of the Director of Conservation and Development to be disbursed by proper state officials as though the appropriation or re-appropriation, as the case may be, were made directly for the use of the Director of Conservation and Development in the first instance.

Effective immediately.

SEC. 8. This act is necessary for the immediate support of the State Government and its existing public institutions and shall take effect immediately.

Passed the Senate February 25, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 174.

[S. B. 243.]

REGULATION OF AERONAUTICS.

AN Act relating to aeronautics; empowering and directing municipalities and other political subdivisions to promulgate, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports; authorizing the acquisition, by purchase, grant, or condemnation, of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred herein.

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

SECTION 1. *Definitions.* As used in this act, unless the context otherwise requires:

(1) "Airports" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this act.

(4) "Political subdivision" means any county, city, town, port district or other municipal or quasi-municipal corporation authorized by law to acquire, own or operate an airport.

(5) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, including the state and its political subdivisions, and includes any trustee, receiver, assignee, or other similar representative thereof.

Structure. (6) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Tree. (7) "Tree" means any object of natural growth.

Airport hazards contrary to public interest.

SEC. 2. *Airport Hazards Contrary to Public Interest.* It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

SEC. 3. *Power to Adopt Airport Zoning Regulations.*

(1) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zon-

ing regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(2) Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a Joint Airport Zoning Board, which Board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (1) in the political subdivision within which such area is located. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed.

Powers to adopt zoning regulations.

SEC. 4. *Relation to Comprehensive Zoning Regulations.*

Relation to comprehensive plan.

(1) Incorporation. In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion hereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

(2) Conflict. In the event of conflict between any airport zoning regulations adopted under this act and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations

were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Procedure.

SEC. 5. Procedure for Adoption of Zoning Regulations.

(1) Notice and Hearing. No airport zoning regulations shall be adopted, amended, or changed under this act except by action of the legislative body of the political subdivision in question, or the joint board provided for in section 3(2), after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard area to be zoned.

Zoning commission.

(2) Airport Zoning Commission. Prior to the initial zoning of any airport hazard area under this act, the political subdivision or joint Airport Zoning Board which is to adopt the regulations shall appoint a Commission, to be known as the Airport Zoning Commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint Airport Zoning Board shall not hold its public hearings or take other action until it has received the final report of such Commission. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the Airport Zoning Commission.

Requirements.

SEC. 6. Airport Zoning Requirements.

(1) Reasonableness. All airport zoning regulations adopted under this act shall be reasonable

and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this act. In determining what regulations it may adopt, each political subdivision and joint Airport Zoning Board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) Non-conforming Uses. No airport zoning regulations adopted under this act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in section 7(3).

SEC. 7. *Permits and Variances.*

Permits and
variances.

(1) Permits. Any airport zoning regulations adopted under this act may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. In any event, however, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except

as provided herein, all applications for permits shall be granted.

(2) Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this act, may apply to the Board of Adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this act: *Provided*, That any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this act.

Hazard
marking and
lighting.

(3) Hazard Marking and Lighting. In granting any permit or variance under this section, the administrative agency or Board of Adjustment may, if it deems such action advisable to effectuate the purposes of this act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Appeals.

SEC. 8. Appeals.

(1) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this act, or any governing body of a political subdivision, or any joint Airport Zoning Board, which is of the opinion that a decision or such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the Board of

Adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(2) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the Board, by filing with the agency from which the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the Board or notice to the agency from which the appeal is taken and on due cause shown. Appeals.

(4) The Board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The Board may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

SEC. 9. *Administration of Airport Zoning Regulations.* All airport zoning regulations adopted under this act shall provide for the administration and enforcement of such regulations by an administrative Administration.

agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint Airport Zoning Board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the Board of Adjustment. The duties of any administrative agency designated pursuant to this act shall include that of hearing and deciding all permits under section 7(1), but such agency shall not have or exercise any of the powers herein delegated to the Board of Adjustment.

Board of
adjustment.

SEC. 10. *Board of Adjustment.*

(1) All airport zoning regulations adopted under this act shall provide for a Board of Adjustment to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in section 8.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such Board may be required to pass under such regulations.

(c) To hear and decide specific variances under section 7(2).

(2) Where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Adjustment. Otherwise, the Board of Adjustment shall consist of five members, each to be appointed for a term of three years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing.

(3) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or

determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

(4) The Board shall adopt rules in accordance Rules. with the provisions of the ordinance or resolution by which it was created. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

SEC. 11. *Judicial Review.*

Judicial
review.

(1) Any person aggrieved, or taxpayer affected, by any decision of the Board of Adjustment, or any governing body of a political subdivision or any joint Airport Zoning Board which is of the opinion that a decision of a Board of Adjustment is illegal, may present to the Superior Court of the county in which the airport is located a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the decision is filed in the office of the Board.

(2) Upon presentation of such petition the Court may allow a writ of review directed to the Board of Adjustment to review such decision of the Board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court

may, on application, on notice to the Board and on due cause shown, grant a supersedeas.

(3) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Judicial
review.

(4) The Court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Adjustment. The findings of fact by the Board, if supported by substantial evidence, shall be accepted by the Court as conclusive, and no objection to a decision of the Board shall be considered by the Court unless such objection shall have been urged before the Board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) Costs shall not be allowed against the Board of Adjustment unless it appears to the Court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

(6) In any case in which airport zoning regulations adopted under this act, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Enforcement.

SEC. 12. *Enforcement and Remedies.* Each violation of this act or of any regulations, orders, or rulings promulgated or made pursuant to this act,

shall constitute a misdemeanor, and each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision or agency adopting zoning regulations under this act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this act, or of airport zoning regulations adopted under this act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this act and of the regulations adopted and orders and rulings made pursuant thereto. Remedies.

SEC. 13. *Acquisition of Air Rights.* In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such air right, avigation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purposes of this act. Acquisition of air rights.

SEC. 14. *Severability.* If any provision of this act or the application thereof to any person or circum- Severability.

stances is held invalid, such invalidity shall not affect the 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.

Title. **SEC. 15. *Short Title.*** This act shall be known and may be cited as the "Airport Zoning Act."

Passed the Senate February 25, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 175.

[S. B. 245.]

ABOLISHING FISHERIES FUND.

AN ACT abolishing the fisheries fund and transferring all moneys and credits therein, or which by law hereafter should be placed therein, to the General Fund of the state treasury, excepting the Lewis River hatchery fund; and declaring an emergency.

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

Abolishing
the fisheries
fund.

SECTION 1. The fisheries fund created by section 48, chapter 31, Laws of 1915, as last amended by section 2, chapter 46, Laws of 1943 (section 5700, Rem. Supp. 1943), is hereby abolished, and all moneys placed in or credited to such fund, are hereby transferred to the General Fund of the State Treasury. All moneys, which heretofore have by law been credited to the fisheries fund shall, after the effective date of this act, be credited to the General Fund.

Nothing in this act shall affect the provisions of chapter 123, Laws of 1933, which created the Lewis River hatchery fund.

All appropriations for the Department of Fisheries, and the Fisheries Division of the State Treas-

surer and all claims against those departments, shall be paid from the General Fund.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall become effective April 1, 1945. Effective immediately.

Passed the Senate March 5, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 176.

[S. B. 308.]

HIGHWAYS—LAND SURVEYS.

AN ACT authorizing the Director of Highways to enter upon any lands for purposes of making surveys for highway purposes.

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

SECTION 1. The Director of Highways or his duly authorized and acting assistants, agents or appointees shall have the right to enter upon any land, real estate or premises in this state, whether public or private, for purposes of making examinations, locations, surveys and appraisals for highway purposes. The making of any such entry for said purposes shall not constitute any trespass by said Director or by his duly authorized and acting assistants, agents or appointees. Land surveys by highway department.

Passed the Senate March 1, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 177.

[S. B. 310.]

HIGHWAYS—MAXMUM WEIGHT AND HEIGHT
OF LOADS.

AN ACT relating to primary and secondary state highways; providing for issuance of permits for overwidth, overlength, overweight and overheight loads; providing for maximum weights and heights; fixing a penalty for misrepresentation of size or weight and for operation without conforming to such permit, and amending section 55, chapter 189, Laws of 1937 (section 6360-55, Remington's Revised Statutes, also Pierce's Perpetual Code 292-17).

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

Amend-
ments.

SECTION 1. That section 55, chapter 189, Laws of 1937 (section 6360-55, Remington's Revised Statutes, also Pierce's Perpetual Code 292-17), be amended to read as follows:

Overload
permits
authorized.

Section 55. The Director of Highways with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this act, or otherwise not in conformity with the provisions of this act upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which said authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

Limits.

No permit shall be issued for any movement on state highways where the gross weight, including load, exceeds twenty-two thousand (22,000) pounds

on a single axle or forty thousand (40,000) pounds on any group of axles having a wheelbase between the first and last axle thereof of less than ten (10) feet; nor shall any permit be issued for movement on any two (2) lane state highway where the overall width of load exceeds fourteen (14) feet, on any three (3) lane state highway where the overall width of load exceeds twenty-two (22) feet, or on any four (4) lane state highway where the overall width of load exceeds thirty-two (32) feet: *Provided*, Permits may be issued for weights and widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights and widths in excess of such limitations: *Provided further*, That these limitations may be rescinded during the war emergency when certification is made by military officials as to the necessity for such action.

Limits.

Widths.

The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular public highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

Application.

The Director of Highways or local authority is authorized to issue or withhold such permit at his or its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces or structures or safety of traffic, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

Highway
Department
to issue.

Any person who misrepresents the size or weight of any load in obtaining a permit or who does not

Penalty.

follow the requirements and conditions of the permit shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100).

Inspection
of permit.

Every permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

Passed the Senate March 7, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 178.

[S. B. 312.]

HIGHWAYS AND STREETS—SIGNS AND GUIDE POSTS.

AN ACT relating to highway and street directional signs and guide posts; authorizing the Director of Highways to designate a uniform standard for the manufacture, display, erection and location of all signs, signals, signboards, guide posts and traffic devices; requiring the Director of Highways upon request to furnish to County Commissioners and governing bodies of cities and towns specifications for such uniform standard and materials for signboards, guide boards and posts, and make a charge therefor; and amending section 48, chapter 53, Laws of 1937 (section 6400-48, Remington's Revised Statutes, also Pierce's Perpetual Code 631-1).

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

Amend-
ments.

SECTION 1. Section 48, chapter 53, Laws of 1937 (section 6400-48, Remington's Revised Statutes, also Pierce's Perpetual Code 631-1), is amended to read as follows:

Section 48. The Director of Highways shall have the power and it shall be his duty to adopt and designate a uniform state standard for the manufacture,

display, erection and location of all signs, signals, signboards, guide posts and other traffic devices erected or to be erected upon the primary state highways of the State of Washington for the purpose of furnishing information to persons traveling upon such primary state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The Director of Highways shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the Boards of County Commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guide posts and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design and location devised by the Director of Highways. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable. The Director of Highways, upon written request, shall cause to be manufactured, painted and printed, and shall furnish to any Board of County Commissioners or the governing body of any incorporated city or town, directional signboards, guide boards and posts of the uniform state standard of color, shape and design for the erection and maintenance thereof by the Board of County Commissioners or the governing body of any incorporated city or town upon the roads and streets within their respective

Highway Department shall regulate signs and signals.

Plans.

Counties and cities shall conform.

May charge
for signs.

jurisdiction. Such directional signboards, guide boards and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The Director of Highways is hereby authorized and directed to fix a charge for each signboard, guide board and post manufactured and furnished as aforesaid, based upon the ultimate cost of such operations to the Department of Highways, and the Board of County Commissioners, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards and posts so received from the Director of Highways.

Passed the Senate March 1, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 179.

[S. B. 367.]

PUBLIC SHOOTING GROUNDS.

AN ACT authorizing the use of certain tide lands in Skagit and Snohomish counties for public shooting grounds and providing for the care and control thereof.

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

Description
of land.

SECTION 1. The following described tide lands situated in Skagit and Snohomish counties, to-wit:

All tide lands of the second class, owned by the State of Washington, situate in front of adjacent to or abutting upon the following described uplands:

Lots 3, 4, 5, 6, 7, 8, 9, and 10, section 25, township 33 north, range 3 east, W. M., with a frontage of 280.40 lineal chains, more or less; also

Lots 10 and 11 and the west side of lots 9 and 12, section 30, township 33 north, range 4 east, W. M.,

with a frontage of 125.56 lineal chains, more or less; also

Lot 3 and the west side of lots 2 and 4, section 31, township 33 north, range 4 east, W. M., with a frontage of 54.80 lineal chains, more or less; also

All detached tide lands of the second class, owned by the State of Washington, lying within or in front of sections 20, 21, 22, 25, 26, 27, 35, and 36, township 33 north, range 3 east, W. M., lots 10 and 11 and the west side of lots 9 and 12, section 30 and section 31, township 33 north, range 4 east, W. M., and section 1, township 32 north, range 3 east, W. M., lying northeasterly of a line running southeasterly from a point one mile west of the northeast corner of said section 20 to a point one mile west of the quarter section corner on the south line of said section 1, are hereby declared to be suitable and proper for use as a public shooting grounds.

Declared a public use as shooting grounds.

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.

Use and control.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 180.

[S. B. 373.]

PURCHASE OF PROPERTY FROM FEDERAL GOVERNMENT.

AN ACT concerning contracts of the state, its agencies, municipalities and other political subdivisions, with the Federal Government for the purchase of property, and declaring an emergency.

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

Purchase of property from Federal Government.

SECTION 1. The State of Washington, through any department, division, bureau, board, commission, authority, or agency thereof, and all counties, cities, towns, and other political subdivisions thereof, is hereby authorized to enter into any contract with the United States of America, or with any agency thereof, for the purchase of any equipment, supplies, materials, or other property, without regard to the provisions of any law requiring the advertising, giving of notices, inviting or receiving bids, or which may require the delivery of purchases before payment, and to this end the executive head of any such department, division, bureau, board, commission, authority, or agency of the state, the County Commissioners and the executive authority of any city or town, may designate by appropriate resolution or order any office holder or employee of its own to enter a bid or bids in its behalf at any sale of any equipment, supplies, material or other property real or personal owned by the United States of America or any agency thereof, and may authorize said person to make any down payment, or payment in full, required in connection with such bidding.

Conflicting acts suspended.

SEC. 2. Any provisions of any law, charter, ordinance, resolution, by-law, rule or regulation which are inconsistent with the provisions of this act are suspended to the extent such provisions are inconsistent herewith.

SEC. 3. This act is necessary for the preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 181.

[S. B. 56.]

ADMISSION TO PRACTICE OF LAW.

AN ACT relating to the practice of law, and providing for admission to practice and to membership in the Washington State Bar Association, and amending chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code), by adding thereto five new sections to be designated as sections 7-A, 7-B, 7-C, 7-D, 7-E, 7-F, and declaring an emergency.

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

SECTION 1. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7 of said chapter, to be designated as section 7-A, which shall read as follows:

Section 7-A. Any person who shall have graduated from any accredited law school and after such graduation shall have served in the Armed Forces of the United States of America between December 7, 1941, and the termination of the present World War, may be admitted to the practice of law in the State of Washington and to membership in the Washington State Bar Association, upon motion made before the Supreme Court of the State of

Armed forces members admitted.

Washington, provided the following is made to appear:

Qualifica-
tions.

(a) That the applicant is a person of good moral character over the age of twenty-one (21) years;

(b) That the applicant, at the time of entering the Armed Forces of the United States, was a legal resident of the State of Washington;

(c) That the applicant's service in the Armed Forces of the United States is or was satisfactory and honorable.

Amend-
ments.

SEC. 2. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7-A of this act, to be designated as section 7-B, which shall read as follows:

Form of ap-
plication.

Section 7-B. If an applicant under this act is, at the time he applies for admission to practice law in the State of Washington, still in the Armed Forces of the United States, he may establish the requirements of the proviso in section 1 hereof, by a letter or certificate from his commanding officer and by the certificates of at least two (2) active members of the Washington State Bar Association.

Amend-
ments.

SEC. 3. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7-B of this act, to be designated as section 7-C, which shall read as follows:

Discharged
veterans.

Section 7-C. If an applicant under this act is, at the time he applies for admission to practice law in the State of Washington, no longer in the Armed Forces of the United States, he may establish the requirements of the proviso in section 1 hereof as follows:

1. If he shall have been an enlisted person, by producing an honorable discharge, and by the cer-

tificates of at least two (2) active members of the Washington State Bar Association.

2. If he shall have been an officer, by an affidavit showing that he has been relieved from active duty under circumstances other than dishonorable, and by the certificates of at least two (2) active members of the Washington State Bar Association.

Affidavit
by officer.

SEC. 4. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7-C of this act, to be designated as section 7-D, which shall read as follows:

Amendment.

Section 7-D. A physical disability discharge shall be considered an honorable discharge unless it be coupled with a dishonorable discharge.

Physical
disability
discharge.

SEC. 5. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7-D of this act, to be designated as section 7-E, which shall read as follows:

Amendment.

Section 7-E. An applicant applying for admission to practice law under the provisions of sections 7-A, 7-B and 7-C, hereof, shall pay the same fees as are required of residents of the State of Washington seeking admission to practice law by examination.

Fee.

SEC. 6. There shall be added to chapter 94, Laws of 1933 (sections 138-1 to 138-17, Remington's Revised Statutes, also Pierce's Perpetual Code 273-13), a new section immediately following section 7-E of this act to be designated as section 7-F, which shall read as follows:

Amendment.

Section 7-F. Any person who has served as presiding officer of either the House of Representatives or the Senate of the State of Washington as Speaker of the House or President of the Senate for six (6)

Presiding
officers of
legislature.

consecutive regular sessions of the Legislature may be admitted to the practice of law in the State of Washington and to membership in the Washington State Bar Association without examination, upon motion made before the Supreme Court of the State of Washington.

Effective im-
mediately.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 182.

[S. B. 242.]

AERONAUTICS—ESTABLISHMENT OF AIRPORTS.

AN ACT relating to aeronautics; defining terms; providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of federal aid; authorizing joint action by municipalities and by municipalities and the state; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the state, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports, and providing for the establishment of county airport districts.

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

SECTION 1. *Definitions.*

Definitions.

Subdivision 1. For the purpose of this act, unless herein specifically otherwise provided, the definitions of words, terms and phrases appearing in the State Aeronautic Department Act of this state are hereby adopted.

Subd. 2. As used in this act, unless the context otherwise requires: "Municipality" means any county, city, town, or port district of this state; "Airport purposes" means and includes airport, restricted landing area and other air navigation facility purposes. Municipality.

SEC. 2. *Municipalities May Acquire Airports.*

Subdivision 1. Every municipality is hereby authorized, through its governing body, to acquire

Municipalities may acquire airports.

property, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of such municipality and within or without this state; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install and maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not, however, acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. It may use for airport purposes any available property that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the Federal and state governments.

Purchase.

Subd. 2. Property needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if such municipality is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which such municipality is authorized to acquire like property for public purposes, full power to exercise the right of eminent domain for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality pre-

Gift.

Condemnation.

scribes a method of acquiring property by condemnation, proceedings shall be had pursuant to the provisions of such charter and may be followed as to property within or without its territorial limits. Any title to real property so acquired shall be in fee simple, absolute and unqualified in any way. The fact that the property needed has been acquired by the owner under power of eminent domain, shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain herein conferred.

Acquired
in fee
simple.

Subd. 3. Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this act, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air spaces over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards, for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power or authority to zone property adjacent to airports and restricted landing areas under the provisions of any law of this state.

Easements.

Marking
lights.

Subd. 4. It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or per-

Encroachments.

mit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

Airports a public purpose.

SEC. 3. *Airports a Public Purpose.* The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired and used for public, governmental, county and municipal purposes and as a matter of public necessity.

Prior acquisitions validated.

SEC. 4. *Prior Acquisition of Airport Property Validated.* Any acquisition of property within or without the limits of any municipality for airports and other air navigation facilities, or of airport protection privileges, heretofore made by any such municipality in any manner, together with the conveyance and acceptance thereof, is hereby legalized and made valid and effective.

SEC. 5. *Purchase Price and Costs of Improve-*

ment May Be Paid From Appropriations or Bond Issues. The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging or improving or equipping airports and other air navigation facilities, and the sites therefor, including structures and other property incidental to their operation, in accordance with the provisions of this act may be paid for by appropriation of monies available therefor, or wholly or partly from the proceeds of bonds of the municipality, as the governing body of the municipality shall determine. The word "cost" includes awards in condemnation proceedings and rentals where an acquisition is by lease.

Costs, how paid.

SEC. 6. Any bonds to be issued by any municipality pursuant to the provisions of this act shall be authorized and issued in the manner and within the limitation prescribed by the constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, provided the plan and system resolution be approved by the Director of Aeronautics or the Department of Municipal Corporations.

Bonds.

SEC. 7. *Appropriation and Expenditure of Monies.*

Appropriations of monies.

Subdivision 1. The governing bodies having power to appropriate monies within the municipalities in this state acquiring, establishing, constructing, enlarging, improving, maintaining, equipping or operating airports and other air navigation facilities under the provisions of this act, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, monies sufficient to carry out therein the provisions of this act.

Subd. 2. The revenues obtained from the ownership, control and operation of any such airport or

Revenues.

other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof, and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements may be applied to finance the extension or improvement of the airport or other air navigation facilities.

Powers of municipalities.

SEC. 8. *Specific Powers of Municipalities Operating Airports.*

Subdivision 1. In addition to the general powers in this act conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas or other air navigation facilities, or which has acquired or set apart or may hereafter acquire or set apart real property for such purpose or purposes is hereby authorized.

Subd. 2. To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation and regulation thereof in an officer, a board or body of such municipality by ordinance or resolution which shall prescribe the powers and duties of such officer, board or body. The expense of such construction, enlargement, improvement, maintenance, equipment, operation and regulation shall be a responsibility of the municipality.

Subd. 3. To adopt and amend all needful rules, regulations and ordinances for the management, government and use of any properties under its control, whether within or without the territorial limits of the municipality; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of said rules, regulations and ordinances, and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations and

ordinances of the municipality are enforced. For the purposes of such management and government and direction of public-use, such part of all highways, roads, streets, avenues, boulevards, and territory as adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this act shall be under like control and management of the municipality. It may also adopt and enact rules, regulations and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They must conform to and be consistent with the laws of this state and the rules and regulations of the aeronautics commission of the state and shall be kept in conformity, as nearly as may be, with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Rules and regulations.

Subd. 4. Municipalities operating airports may create a special airport fund, and provide that all receipts from the operation of such airports be deposited in such fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction or operation of airports or airport facilities.

Airport fund.

Subd. 5. To lease such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign to private parties, any municipal or state government or the national gov-

Leases.

ernment, or any department of either thereof, for operation or use consistent with the purposes of this act, space, area, improvements, or equipment of such airports; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services and facilities: *Provided*, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

Sale or lease.

Subd. 6. (1) To sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property.

Proceeds of sale.

(2) The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the sinking fund from which funds have been authorized to be taken to finance such bonds. In the event all the proceeds of such sale are not needed to pay the principal of said bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations shall be paid into the airport fund of the municipality.

Rental or charges.

Subd. 7. To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: *Provided*, That in all cases the public is not deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable

and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges. Liens.

Subd. 8. To exercise all powers necessarily incidental to the exercise of the general and special powers herein granted. Powers.

SEC. 9. *Federal Aid.* Federal aid.

Subdivision 1. A municipality is authorized to accept, receive, and receipt for Federal monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of Federal monies upon such airports and other air navigation facilities.

Subd. 2. The governing body of any municipality is authorized to designate the Director of Aeronautics of the state as its agent to accept, receive, and receipt for Federal monies in its behalf for airport purposes and to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of such airports, or other air navigation facilities, and may enter into an agreement with the Director of Aeronautics prescribing the terms and conditions of such agency in accordance with Federal laws, rules and regulations and applicable laws of this state. Such monies as are paid over by the United States Government shall be paid over to said municipality under such terms and conditions as may be imposed by the United States Government in making such grant.

Subd. 3. All contracts for the acquisition, con-

Contracts.

struction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by the municipality itself or through the agency of the Director of Aeronautics of the state, shall be made pursuant to the laws of this state governing the making of like contracts: *Provided, however,* That where such acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with Federal monies the municipality, or the Aeronautics Commission as its agent, may let contracts in the manner prescribed by the Federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

Airports on waters and reclaimed land.

SEC. 10. *The Establishment of Airports on Waters and Reclaimed Land.*

Subdivision 1. The powers herein granted to a municipality to establish and maintain airports shall include the power to establish and maintain such airports in, over and upon any public waters of this state within the limits or jurisdiction of or bordering on the municipality, any submerged land under such public waters, and any artificial or reclaimed land which before the artificial making or reclamation thereof constituted a portion of the submerged land under such public waters, and as well the power to construct and maintain terminal buildings, landing floats, causeways, roadways and bridges for approaches to or connecting with the airport, and landing floats and breakwaters for the protection of any such airport.

Subd. 2. All the other powers herein granted municipalities with reference to airports on land are granted to them with reference to such airports in, over and upon public waters, submerged land under public waters, and artificial or reclaimed land.

SEC. 11. *Joint Operations.*

Subdivision 1. All powers, rights and authority

granted to any municipality in this act may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or without the territorial limits of either or any of said municipalities and within or without this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or without this state, provided the laws of such other state permit such joint action.

Subd. 2. For the purposes of this section only, unless another intention clearly appears or the context otherwise requires, this state shall be included in the term "municipality," and all the powers conferred upon municipalities in this act, if not otherwise conferred by law, are hereby conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term shall mean, as to the state, its Director of Aeronautics.

Terms
include state.

Subd. 3. Any two or more municipalities may enter into agreements with each other, duly authorized by ordinance or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

Joint action
by mu-
nicipalities.

Subd. 4. Each such agreement shall specify its term; the proportionate interest which each municipality shall have in the property, facilities and privileges involved, and the proportion of preliminary costs, costs of acquisition, establishment, construction, enlargement, improvement and equipment, and of expenses of maintenance, operation and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part

Agreements.

of the property, facilities and privileges jointly owned if said property, facilities and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

Joint boards.

Subd. 5. Municipalities acting jointly as herein authorized shall create a board from the inhabitants of such municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

Rules.

Subd. 6. Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

Subd. 7. Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by this act, except as herein provided. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by authority of the governing bodies

of each of the municipalities involved. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December first, of a budget for the ensuing calendar year. Rules and regulations provided for by subdivision 3 of section 8 of this act shall become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other air navigation facility, or air protection privilege, owned jointly, shall be disposed of by the board, by sale, lease or otherwise, except by authority of all the appointing governing bodies, but the board may lease space, area or improvements and grant concessions on airports for aeronautical purposes or purposes incidental thereto, subject to the provisions of subdivision 5 of section 8 of this act.

Joint board powers.

Subd. 8. Each municipality, acting jointly with another, pursuant to the provisions of this section is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by subdivision 3 of section 8 of this act, and to fix by such ordinances penalties for the violation thereof, which ordinances when so concurrently adopted, shall have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or without the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of said municipalities in like manner as are its individual ordinances. The consent of the state Director of Aeronautics to any such ordinance, where the state is a party to the joint venture, shall be equivalent to the enactment of the ordinance by a municipality. The publication provided for in subdivision 3 of section 8, aforesaid, shall be made in each municipality involved in the manner provided by law

Ordinances.

Publication.

or charter for publication of its individual ordinances.

Condemnation proceedings.

Subd. 9. Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of subdivision 2 of section 2 shall apply to such proceedings.

Funds.

Subd. 10. For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement, such funds to be provided for by bond issues, tax levies and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this act, and into which shall be paid the revenues obtained from the ownership, control and operation of the airports and other air navigation facilities jointly controlled, to be expended as provided in this act; revenues in excess of cost of maintenance and operating expenses of the joint properties to be divided as may be provided in the original agreement for the joint venture.

Disbursements.

Subd. 11. All disbursements from such fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

Specific performance.

Subd. 12. Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

SEC. 12. The establishment of county airport districts is hereby authorized. Written application for the formation of such a district signed by at least one hundred (100) registered voters, who reside and own real estate in the proposed districts, shall be

filed with the Board of County Commissioners. The Board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence and registration of the signers with the records of his office and shall, as soon as possible, certify to said Board the number of qualified signers. If the requisite number of signers is so certified, the Board shall thereupon place the proposition: "Shall a county airport district be established in the following area: (describing the proposed district)?," upon the ballot for vote of the people of the proposed district at the next election, general or special. If a majority of the voters on such proposition shall vote in favor of the proposition, the Board shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

County
airport
districts.

The area of such district may be the area of the county outside incorporated cities and towns, or such portion or portions thereof as the Board may determine to be the most feasible for establishing an airport. When established, an airport district shall be a municipality as defined in this act and entitled to all the powers conferred by this act and exercised by municipal corporations in this state. The airport district is hereby empowered to levy not more than three (3) mills against the assessed valuation of the property lying within the said airport district.

Areas.

SEC. 13. The governing body of such an airport district shall be the Board of County Commissioners.

SEC. 14. *Assistance to Other Municipalities.* Whenever the governing body of any municipality determines that the public interest and the interests of the municipality will be served by assisting any other municipality in exercising the powers and au-

Assistance
of other mu-
nicipalities.

thority granted by this act, such first-mentioned municipality is expressly authorized and empowered to furnish such assistance by gift, or lease with or without rental, of real property, by the donation, lease with or without rental, or loan, of personal property, and by the appropriation of monies, which may be provided for by taxation or the issuance of bonds in the same manner as funds might be provided for the same purposes if the municipality were exercising the powers heretofore granted in its own behalf.

Jurisdiction
exclusive.

SEC. 15. *Jurisdiction Exclusive.* Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of this act, shall, subject to Federal and state laws, rules, and regulations, be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it and no other municipality in which such airport or air navigation facility shall have any police jurisdiction of the same or any authority to charge or exact any license fees or occupation taxes for the operations thereon. Such municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in subdivision 3 of section 8 of this act.

Severability.

SEC. 16. *Severability.* If any provision of this act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Interpreta-
tion.

SEC. 17. *Interpretation and Construction.* This act shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government

of the United States having to do with the subject of aeronautics.

SEC. 18. *Short Title.* This act may be cited as Title. the "Revised Airports Act."

SEC. 19. *Repeal.* All acts and parts of acts in Repeal. conflict with this act are hereby repealed.

Passed the Senate March 6, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 183.

[S. B. 231.]

PUBLIC HEALTH.

AN ACT relating to the public health; providing for the establishment of health districts and ratifying formations and combinations of certain governmental units as health districts and expenditures by counties, cities and towns in connection therewith.

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

SECTION 1. For the purpose of this act words and Definitions. phrases shall have the meaning herein ascribed to them:

"Health district" means all the territory embraced within a single county and all cities and towns therein, except primary cities, and/or all the territory consisting of one or more counties and all the cities and towns in all of the combined counties, except primary cities, which have been combined and organized as hereinafter provided. No city having a population of one hundred thousand (100,000) or more shall be included in any health district. Health district.

"Primary city" as used herein shall mean a city Primary city. having a population of twenty thousand (20,000) or more and less than one hundred thousand (100,000).

Joint county
districts.

SEC. 2. Health districts consisting of two (2) or more counties may be created whenever two (2) or more boards of county commissioners shall by resolution declare their intention to combine for such purpose. Such a district shall consist of all the area of the combined counties including all cities and towns except primary cities. The health board of such a district shall consist of two (2) members of the Board of County Commissioners of each county member, appointed by the respective Boards of County Commissioners of each county included in the district, together with members selected by cities and towns included in said district, as hereinafter provided.

Single
county
district.

SEC. 3. A health district to consist of one (1) county only and including all cities and towns therein except primary cities may be created whenever the Board of County Commissioners of the county shall pass a resolution declaring its intention to organize such a health district under this act. The District Board of Health of such district shall consist of the three (3) members of the Board of County Commissioners of the county, together with members selected by the cities and towns included in said district, as hereinafter provided.

City district.

SEC. 4. Whenever a primary city desires to be included in a health district and shall through its legislative authority petition the District Board of Health to be included and the District Board of Health and the city legislative authority agree as to the functions to be performed for the city by the health district and the amount of financial contributions to be made by the city to the health district such cities shall be included in the health district. Whenever any such city is included within a health district, its Board of Health and its Health Officer shall continue to exercise such powers and duties as are otherwise by law vested and imposed upon

them and which are not to be performed and exercised by the District Board of Health and District Health Officer under the agreement in which the city is included in the health district.

SEC. 5. Whenever a primary city is included in a health district it shall be entitled to have two (2) members on the District Health Board to be selected by the legislative body of the city from among its membership. If only one second, third or fourth class city makes a financial contribution to the district health fund satisfactory to the board and is included in the health district, each of such cities shall be entitled to one (1) member on the board; but where more than one city of any of such classes makes such contribution and is included in the district, all cities of the same class shall by joint action of their legislative bodies appoint one (1) member of the district board from among their legislative bodies who shall be the representative of all cities of the same class. All appointments shall be made within thirty (30) days after the formation of the district. Vacancies on the District Board of Health shall be filled by appointment within thirty (30) days and made in the same manner as was the original appointment. Representatives on the district board of the various units of the district shall continue at the pleasure of the legislative body of the unit.

City's
membership
on District
Health
Board.

Vacancies.

SEC. 6. The District Board of Health shall constitute the Board of Health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the County or City or Town Board of Health of any county, city or town included in the health district, except as herein otherwise provided.

District
Board of
Health.

SEC. 7. The District Board of Health shall elect a chairman, and appoint a District Health Officer

District Health Officer.

who shall be a qualified physician trained and experienced in public health administration, and who shall act as executive secretary to, and administrative officer for the District Board of Health. He shall also be empowered to employ such technical and other personnel as approved by the District Board of Health. The District Health Officer shall be paid such salary and allowed such expenses as shall be determined by the District Board of Health. The District Health Officer shall hold office at the pleasure of the Board, and shall not be removed until after notice is given him, and an opportunity for a hearing before the Board as to the reason for his removal.

District health fund.

SEC. 8. Each Health District shall establish a fund to be designated as the "district health fund," in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. The County Treasurer of the county in the district embracing only one county; or, in a district composed of more than one county the County Treasurer of the county having the largest population shall be the custodian of the fund, and the County Auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the County Treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the Board.

Contributions for expenses.

Each county, city or town which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between them. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members

shall include items in their respective budgets for payments to finance the health district.

SEC. 9. Any county or any city or town may withdraw from membership in said health district any time after it has been within the district for a period of two (2) years, but no withdrawal shall be effective except at the end of the calendar year in which the county, city or town gives at least six (6) months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any monies paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself for the year at the end of which the withdrawal is to be effective.

SEC. 10. Any expenditures heretofore made by any county, city or town, not made fraudulently and which were within the legal limits of indebtedness, towards the expense of maintenance and operation of a health district consisting of any combination of a county or counties, cities and towns, are hereby legalized and ratified.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 184.

[S. B. 363.]

INHERITANCE TAX.

AN ACT relating to revenue and taxation; providing for the imposition of an inheritance tax and the means and methods of collection thereof; amending section 1, chapter LV, Laws of 1901, as last amended by section 1, chapter 106, Laws of 1937 (section 11201, Remington's Revised Statutes, also Pierce's Perpetual Code 974-1); amending section 1, chapter 134, Laws of 1931 (section 11201-B, Remington's Revised Statutes, also Pierce's Perpetual Code 974-7); amending section 107j, chapter 180, Laws of 1935, as amended by section 3, chapter 202, Laws of 1939 (section 11202-1j, Remington's Revised Statutes, also Pierce's Perpetual Code 974-105); amending section 12, chapter LV, Laws of 1901, as last amended by section 4, chapter 202, Laws of 1939 (section 11210, Remington's Revised Statutes, also Pierce's Perpetual Code 974-47); and amending section 18, chapter LV, Laws of 1901, as last amended by section 111, chapter 180, Laws of 1935 (section 11217, Remington's Revised Statutes, also Pierce's Perpetual Code 974-73).

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

Amendment.

SECTION 1. Section 1, chapter LV, Laws of 1901, as last amended by section 1, chapter 106, Laws of 1937 (section 11201, Remington's Revised Statutes, also Pierce's Perpetual Code 974-1), is amended to read as follows:

Property
inherited
subject to
tax.

Section 1. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other state or by deed, grant, sale or gift made in contemplation of the death of the grantor, or donor, or by deed, grant or sale or gift made or intended to take effect in possession or in enjoyment after death of the grantor or donor, to any person in trust or otherwise, or by a transfer in trust or otherwise, under which the grantor or donor has

retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom shall, for the use of the state, be subject to a tax measured by the full value of the entire property as provided for in section 2, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisal made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed \$1,000.00, and no other sum, but said debt shall not be deducted unless the same are allowed or established within the time provided by law, and all administrators, executors, and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with interest as hereinafter provided until the same shall have been paid, and whenever property, real or personal, other than real property held by the entirety, is held in the joint names of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole

Debts, taxes
deducted.

Executors
attorneys
fees
deducted.

Estates
payable to
survivor.

property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or tenants, person or persons by such deceased joint tenant or joint depositor by will, expecting [excepting] therefrom such parts thereof as may be shown to have originally belonged to such surviving joint tenant, joint depositor or person, and never to have been acquired from the decedent for less than a fair consideration in money or money's worth, and if said property shall have been acquired from decedent for less than such fair consideration, there shall be excepted from the value of said property a portion equal to the amount of the consideration so furnished.

Property acquired for less than full value.

Lien.

Unless the tax is sooner paid in full, it shall be a lien upon the gross estate of the decedent for ten (10) years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Tax Commission is satisfied that the tax liability of an estate has been fully discharged or provided for, it may, under regulations prescribed by it, issue its certificate, releasing any or all property of such estate from the lien herein imposed. The limitation period shall in each case be extended for a period of time equal to the period of pendency of litigation of questions affecting the determination of the amount of tax due, provided a *lis pendens* has been filed with the County Auditor.

Lien divested upon sale.

Any part of the gross estate as is sold, pursuant to an order of the court for the payment of charges against the estate and the expenses of its administration, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of court for payment of charges against the estate and expenses

of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds.

If (1) except in the case of a *bona fide* sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a *bona fide* purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a *bona fide* purchaser for an adequate and full consideration in money or money's worth.

Transfer
by
decedent.

Insurance.

Lien
divested
upon
bona fide
sale.

SEC. 2. Section 1, chapter 134, Laws of 1931 (section 11201-B, Remington's Revised Statutes, also

Amendment.

Pierce's Perpetual Code 974-7), is amended to read as follows:

Federal
tax
deducted.

Section 1. In all estates the amount of the Federal estate tax, as paid by the estate, shall be deducted as a claim or indebtedness against the estate: *Provided*, That where there is property belonging to decedent both within and without the State of Washington the amount of Federal estate tax deductible shall be the proportionate part thereof that the value of the property having a taxable situs within this state bears to all of the property within and without this state.

Amendment.

SEC. 3. Section 107j, chapter 180, Laws of 1935, as amended by section 3, chapter 202, Laws of 1939 (section 11202-1j, Remington's Revised Statutes, also Pierce's Perpetual Code 974-105), is amended to read as follows:

Lien when
property
transferred.

Section 107j. Should the Court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of this title, the Court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee shall be charged against the state, the Tax Commission or the Supervisor by any officer in this state in any proceeding taken under this title, nor shall any bond or undertaking be required in any such proceeding.

Effect of
orders.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the Supreme Court.

The lien of a judgment rendered as provided by this section shall be and remain a lien from the date

of entry thereof for six (6) years unless sooner paid, irrespective of the provisions of section 1, chapter LV, Laws of 1901, as amended.

SEC. 4. Section 12, chapter LV, Laws of 1901, as last amended by section 4, chapter 202, Laws of 1939 (section 11210, Remington's Revised Statutes, also Pierce's Perpetual Code 974-47), is amended to read as follows: Amendment.

Section 12. All taxes imposed by this act shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen (15) months from the accruing thereof, interest shall be charged and collected at the rate of six per centum (6%) per annum unless the amount of tax cannot be determined because of litigation pending in any court of competent jurisdiction which involves, either directly or indirectly, the amount of tax payable, in which case interest shall not be charged during the time necessarily consumed by such litigation: *Provided*, That in no case shall interest be tolled for a period of more than three (3) years. The minimum tax due in any event shall be paid within fifteen (15) months from the accruing thereof. In all cases where a bond shall be given under the provisions of section 11205 interest shall be charged at the rate of six per centum (6%) per annum from and after a period of sixty (60) days from the time the person or persons owning the beneficial interest come into the possession of same until the payment thereof. When tax shall accrue.
Interest.

SEC. 5. Section 18, chapter LV, Laws of 1901, as last amended by section 111, chapter 180, Laws of 1935 (section 11217, Remington's Revised Statutes, also Pierce's Perpetual Code 974-73), is amended to read as follows: Amendment.

Section 18. Administrators, executors and trustees of the estates subject to the inheritance tax shall, when demanded by the Tax Commission, send

Copies of
reports to
Tax
Commission.

certified copies of such parts of their reports as may be demanded by it, and upon refusal of said parties to comply with such demand, it is the duty of the clerk of the court to furnish such copies, and the expense of making the same shall be charged against the estate as are other costs in probate, and such administrator, executor, or trustee, shall also upon request of the Tax Commission, furnish copies of all deeds, mortgages, trust agreements, insurance policies, and other instruments in writing that within his judgment are necessary for the determination of the inheritance taxes due the State of Washington, and shall also furnish to the Tax Commission an inheritance tax report in such form as prescribed by the Tax Commission, listing under oath the debts and expenses of administration which are allowable as deductions, and including such other information under oath, concerning the inheritance tax liability of the estate as may be required. And it shall be the duty of the Tax Commission to exercise general supervision of the collection of the inheritance taxes provided in this act, and in the discharge of such duty the Tax Commission through its Supervisor may institute and prosecute such suits or proceedings in the Courts of the state as may be necessary and proper, appearing therein for such purpose; and it shall be the duty of the several county attorneys to render assistance therein when called upon by the Tax Commission so to do.

Commission
may
institute
suits.

Rules and
regulations.

The Tax Commission shall make and publish rules and regulations, not inconsistent with this act, necessary in enforcing its provisions, which rules and regulations shall have the same force and effect as if specifically included herein, unless declared invalid by the judgment of a Court of record not appealed from. The Tax Commission may, in its discretion, waive the payment of interest required to be assessed under the provisions of this act.

The Tax Commission shall keep a record in which shall be entered memoranda of all the proceedings had in each case, and shall also keep an itemized account showing the amount of such taxes collected, in detail, charging the State Treasurer therewith. Records.

SEC. 6. The provisions of this act shall be retroactive as to all estates on which inheritance tax has not been paid in full or which were not exempt under prior inheritance tax laws. Act retroactive.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 185.

[S. B. 276.]

RECONVEYANCE OF LAND TO KLICKITAT COUNTY.

AN ACT authorizing the State Forest Board to reconvey certain agricultural lands in Klickitat County.

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

SECTION 1. The State Forest Board is hereby empowered to reconvey by quit claim deed certain lands heretofore acquired through tax foreclosure and subsequently deeded by Klickitat County to said State Forest Board; *Provided however* that only such lands as may be determined by a soil expert, selected by State Forest Board, to be more suitable for agricultural development than the growing of timber, shall be affected by the provisions of this act. Reconvey-
ance of
lands to
Klickitat
County.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 186.

[S. B. 38.]

ELECTIONS—FEES OF ELECTION OFFICERS.

AN ACT relating to fees paid to inspectors, judges and clerks of elections, and amending section 13, chapter 163, Laws of 1919 (section 5166, Remington's Revised Statutes, also Pierce's Perpetual Code 523-43).

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

SECTION 1. That section 13, chapter 163, Laws of 1919 (section 5166, Remington's Revised Statutes, also Pierce's Perpetual Code 523-43), be amended to read as follows:

Section 13. The fees of officers of election shall be as follows:

To the inspectors, judges and clerks of an election not less than fifty cents, nor more than one dollar per hour for full time employed by each of them. The person carrying the returns to the County Auditor shall be entitled to ten cents per mile for each mile traveled.

Fees of election officers.

Passed the Senate January 30, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 187.

[S. S. B. 53.]

UNIVERSITY OF WASHINGTON—TUITION FEES.

AN ACT relating to the University of Washington; providing for the payment and disposition of tuition fees; and amending section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 169, Laws of 1933 (section 4546, Remington's Revised Statutes, also Pierce's Perpetual Code 911-33); and amending section 3, chapter 66, Laws of 1915, as last amended by section 1, chapter 156, Laws of 1939 (section 4547, Remington's Revised Statutes, also Pierce's Perpetual Code 911-35).

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

SECTION 1. Section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 169, Laws of 1933 (section 4546, Remington's Revised Statutes, also Pierce's Perpetual Code 911-33), is amended to read as follows:

Amend-
ments.

Section 2. The University of Washington shall charge to and collect from each of the students registering therein the following fees: (a) From students registering in the Schools of Medicine or Dentistry: A general tuition fee of not to exceed one hundred dollars (\$100.00) per quarter from each person domiciled in this state or the territory of Alaska for the period of one year prior to registration, and one hundred sixty-five dollars (\$165.00) each per quarter from all others. From students registering in schools and colleges other than the Schools of Medicine and Dentistry: A general tuition fee of fifteen dollars (\$15.00) per quarter from each person domiciled in this state or the territory of Alaska for the period of one year prior to registration, and fifty dollars (\$50.00) each per quarter from all others. (b) Special tuition fees to include fees for summer session, short courses, marine station work, correspondence or extension courses, individual instruction fees, and such other special tui-

Tuition fees
University
of Wash-
ington.

tion fees as may be established by the Board of Regents of the University from time to time. (c) A library fee of ten dollars (\$10.00) per quarter for law, for each student registered in law, for the law library. (d) Student deposit, disciplinary, laboratory, library, gymnasium, hospital or health fees, and such other fees as may be established by the Board of Regents from time to time, the fees mentioned in this subdivision to be deposited or paid by each student required to deposit or pay same under rules to be prescribed by said Board.

Amend-
ment.

SEC. 2. Section 3, chapter 66, Laws of 1915, as last amended by section 1, chapter 156, Laws of 1939 (section 4547, Remington's Revised Statutes, also Pierce's Perpetual Code 911-35), is amended to read as follows:

Medical,
dental
tuition fees.

Section 3. All general tuition fees mentioned in subdivision (a) of section 2 of this act shall, within thirty-five (35) days from the date of collection thereof, be paid into the state treasury and by the State Treasurer shall be credited as follows: General tuition fees collected from students registering in the Schools of Medicine and Dentistry shall be credited to the "University of Washington Medical and Dental Building and Equipment fund" and general tuition fees collected from students registering in other schools and colleges shall be credited ten dollars (\$10.00) from each student to the "University of Washington Building Fund" and the balance to the "University of Washington Fund." The sums so credited to the "University of Washington Building Fund" shall be used exclusively for the purpose of erecting, altering, maintaining, equipping or furnishing buildings constructed under the act of March 15, 1915, being chapter 66 of the Laws of 1915 and the acts amendatory thereto.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 188.

[S. B. 116.]

DEPENDENT AND DELINQUENT CHILDREN.

AN ACT relating to the welfare of dependent and delinquent children, making their detention and care a mandatory county function, providing for emergency appropriations by counties and methods for financing a program for the care of juveniles, and declaring an emergency.

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

SECTION 1. The attention of the Legislature having been called to the absence of juvenile detention facilities in the various counties of the State, the Legislature hereby declares that this situation constitutes an emergency demanding the invocation by the several counties affected of the emergency powers granted by virtue of section 2, chapter 143, Extraordinary Laws of 1925, (section 3997-6 Remington's Revised Statutes, also Pierce's Perpetual Code 478-3). Preamble.

SEC. 2. The construction, acquisition and maintenance of juvenile detention facilities for dependent, wayward and delinquent children, separate and apart from the detention facilities for adults, is hereby declared to be a mandatory function of the several counties of the State. Purpose.

SEC. 3. Boards of County Commissioners in the various counties now suffering from a lack of adequate detention facilities for dependent, delinquent and wayward children shall, in the manner provided by law, declare an emergency and appropriate, in the manner provided by law, sufficient funds to meet all demands for adequate care of dependent, delinquent and wayward children. All appropriations made under the provisions of this act are to be used exclusively for the acquisition, purchase, construction or leasing of real and personal property and the employment and payment of salaries for an County Commissioners shall provide for delinquent children.

adequate staff of juvenile officers and necessary clerical staff and assistants and for furnishing suitable food, clothing and recreational facilities for dependent, delinquent and wayward children.

Aid from Federal Government.

SEC. 4. In connection with the financing of facilities and the employment of a staff of juvenile officers for dependent, delinquent and wayward children, the various Boards of County Commissioners affected shall attempt to secure such advances, loans, grants in aid, donations as gifts as may be secured from the Federal government or any of its agencies or from the state government or from other public or private institutions or individuals.

Appropriations may exceed limitations.

SEC. 5. Appropriations made under authority and by virtue of this act and debts incurred by any county in carrying out the provisions of this act may exceed all statutory limitations otherwise applicable and limiting the debt any county may incur.

Bonds.

SEC. 6. In order to carry out the provisions of this act the several counties affected shall utilize any and all methods available to them by law for financing the program authorized by this act and may fund any and all debts incurred by the issuance of general obligation bonds of the county in the manner provided by law, without submitting the same to a vote of the people.

Allocation of budget.

SEC. 7. In order to carry out the provisions of this act the Board of County Commissioners is hereby authorized, any law to the contrary notwithstanding, to allocate any funds that may be available in any item or class of the budget as presently constituted to the fund to be used to carry out the provisions of this act.

Effective immediately.

SEC. 8. This act is necessary for the immediate support of the state government, its existing public institutions, and for the preservation of the public

health, welfare and safety, and shall take effect immediately.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 189.

[S. B. 282.]

COMPETITIVE EXAMINATIONS FOR PUBLIC EMPLOYMENT.

AN ACT relating to competitive examinations for public offices, positions and employment; and providing for preferences for all veterans of wars of the United States.

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

SECTION 1. In all competitive examinations to determine the qualifications of applicants for public offices, positions or employment, the State of Washington, and all of its political subdivisions, and all municipal corporations, shall give a preference status of ten per cent (10%) to all veterans, as herein defined, of all wars in which the United States of America has been, now is, or may hereafter be engaged, by adding to the mark, grade or rating, based upon one hundred (100) points as perfect, which a veteran is given on any examination, ten (10) points. The term "veteran" as herein used, shall include every person who has served, now is serving, or may hereafter serve in any branch of the Armed Forces of the United States, the Army Transport Service, and the Merchant Marine and, upon termination of the service, has received an honorable discharge, or a physical discharge with an honorable record, or has been re-

Examina-
tions for
public
employ-
ment.

Veterans.

lieved of active services under honorable circumstances.

- Passed the Senate February 26, 1945.
- Passed the House March 7, 1945.
- Approved by the Governor March 15, 1945.

CHAPTER 190.

[S. B. 104.]

LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to local improvements in cities and towns; and amending section 6, chapter 98, Laws of 1911, as last amended by section 6, chapter 168, Laws of 1915 (section 9357, Remington's Revised Statutes, also Pierce's Perpetual Code 401-11).

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

SECTION 1. Section 6, chapter 98, Laws of 1911, as last amended by section 6, chapter 168, Laws of 1915 (section 9357, Remington's Revised Statutes, also Pierce's Perpetual Code 401-11), is amended to read as follows:

Section 6. Whenever the public interest or convenience may require, the council, or other legislative authority of any such city or town, is hereby authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, parks, park drives, parkways, playgrounds, public squares, and places within any such city or town to be graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped or otherwise improved and to order sidewalks, drains, sewers, and all sewer appurtenances, culverts, bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and cross walks, street lighting systems, together with the cost and expense of furnishing electrical

Local improvement districts.

energy to said street lighting systems, moving sidewalks or escalators, together with the cost and expense of operating and maintaining moving sidewalks or escalators, auxiliary water system, dikes and embankments, bridges and trestles, and approaches thereto, field houses, gymnasiums, auditoriums, swimming pools or other recreational or playground facilities or structures, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement. The city may require uniform setting out, planting, cultivating, maintenance and renewal of shade and ornamental trees and shrubbery on any street or highway. Any local improvement payable, in whole or in part, by special assessments, which shall include a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of moving sidewalks or escalators shall be initiated only upon petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district.

Recreational facilities.

Electric energy.

Certain improvements limited.

Passed the Senate February 14, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 191.

[S. B. 140.]

ADOPTION—BIRTH CERTIFICATES.

AN ACT relating to adoptions; providing for the issuance of certificates of birth of adopted persons; and amending section 11, chapter 268, Laws of 1943 (section 1699-12, Rem. Supp. 1943, also Pierce's Perpetual Code 354f-23).

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

SECTION 1. Section 11, chapter 268, Laws of 1943 (section 1199-12 [1699-12], Rem. Supp. 1943, also Pierce's Perpetual Code 354f-23), is amended to read as follows:

Decree of adoption.

Section 11. Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit, the Court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree be for adoption, it shall provide:

Contents.

(a) For the issuance of a certificate of birth of any child born in the State of Washington, by the state department of registration of births, in such form and containing such information as the Court may deem proper and by such decree shall direct;

(b) Whether or not any of the records of the said department of registration of births shall be secret; and if any be directed to be secret, then the same shall be disclosed only upon order of Court for good cause shown;

Interlocutory decree.

(c) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Such decree shall be final as to the parties thereto and those notified as herein provided unless ap-

pealed from within thirty (30) days after entry thereof.

At any time prior to the expiration of six months from entry of such decree, any interested person may file in the adoption proceedings his verified petition alleging grounds, if any he has, for the vacation or modification of such decree. Upon the filing of such petition, the Court shall, upon application, fix a time for hearing thereon. At least ten days' notice of such hearing shall be served upon all of the parties to the adoption proceeding and to the persons served as provided in section 8 hereof, and also upon the person making the report of investigation pursuant to section 9. Upon such hearing, if the petition be granted, the Court shall enter an order vacating such decree of adoption, and may also make such further order for the welfare of the child as in its discretion seems proper. An appeal from any order vacating or refusing to vacate such decree may be taken, as in other cases.

Petition
for
vacation.

If no appeal be taken from the decree of adoption, and if no petition to vacate or modify the same be filed within such six month period, then said decree shall not be subject to attack either directly or collaterally, except that within two (2) years after entry thereof, any person not notified of the hearing on the petition for adoption as herein provided and claiming parental rights in said child, may institute proceedings to set aside the decree of adoption.

Decree not
subject to
attack.

Limitation
of action.

Passed the Senate February 27, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 192.

[S. B. 144.]

ENRICHMENT OF FLOUR.

AN ACT requiring the enrichment of flour and bread to meet certain standards of vitamin and mineral content; defining flour, white bread, rolls, director and person; providing for regulations to effectuate the act; providing for regulations to bring standards established by this act into conformity with amended standards in interstate commerce; providing for regulations permitting the omission of any ingredient that may be short; and fixing penalties for violation of this act.

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

- Definition. SECTION 1. When used in this act, unless the context otherwise requires:
- Flour. (a) "Flour" includes and shall be limited to the foods commonly known in the milling and baking industries as (1) white flour, also known as wheat flour or plain flour; (2) bromated flour; (3) self-rising flour, also known as self-rising white flour or self-rising wheat flour, and (4) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours;
- White bread. (b) "White bread" means any bread made with flour, as defined in (a), whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread;
- Rolls. (c) "Rolls" includes plain white rolls and buns of the semi-bread dough type, namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls: such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls;

(d) "Director" means the Director of the State Department of Agriculture of the State of Washington; Director.

(e) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls. Person.

SEC. 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this state, flour, as defined in section 1, unless the following vitamins and minerals are contained in each pound of such flour; not less than 2.0 mg and not more than 2.5 mg of thiamine; not less than 1.2 mg and not more than 1.5 mg of riboflavin; not less than 16.0 mg and not more than 20.0 mg of niacin or niacin-amide; not less than 13.0 mg and not more than 16.5 mg of iron (Fe); except in the case of self-rising flour which in addition to the above ingredients shall contain not less 500 mg and not more than 1500 mg of calcium (Ca): *Provided, however,* That the terms of this section shall not apply to flour sold to distributors, bakers or other processors, if the purchaser furnishes to the seller a certificate in such form as the Director shall by regulation prescribe, certifying that such flour will be (1) resold to a distributor, baker or other processor, or (2) used in the manufacture, mixing or compounding of flour, white bread or rolls enriched to meet the requirements of this act, or (3) used in the manufacture of products other than flour, white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section. Enrichment
of flour
required.

SEC. 3. It shall be unlawful for any person to manufacture, bake, sell, or offer for sale, for human consumption in this state, any white bread or rolls,

Sales
prohibited.

as defined in section 1, unless the following vitamins and minerals are contained in each pound of such bread or rolls: not less than 1.1 mg and not more than 1.8 mg of thiamine; not less than 0.7 mg and not more than 1.6 mg of riboflavin; not less than 10.0 mg and not more than 15.0 mg of niacin; not less than 8.0 mg and not more than 12.5 mg of iron (Fe).

Duties of
director.

SEC. 4. The Director is hereby charged with the duty of enforcing the provisions of this act and he is hereby authorized and directed to make, amend or rescind regulations for the efficient enforcement of this act.

Director
may modify
require-
ments.

SEC. 5. Whenever the vitamin and mineral requirements set forth in sections 2 and 3 of this act are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour and enriched white bread or enriched rolls, the Director, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of this act, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments.

Findings
of director.

SEC. 6. In the event of findings by the Director that there is an existing or imminent shortage of any ingredient required by sections 2 or 3 of this act, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this act, the Director shall issue a regulation, to be effective immediately upon issuance, permitting the omission of such ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from labeling requirements until the further regulation of the Director. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate Federal agency or officer. In the absence of any

such regulation of the appropriate Federal agency or factual information supplied by it, the Director on his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to this act that they believe such a shortage exists or is imminent shall, within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence; and shall make findings based upon the evidence presented. The Director shall publish notice of any such hearing at least ten (10) days prior thereto. Whenever the Director has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days' notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his findings be that such shortage no longer exists, he shall issue a regulation to become effective not less than thirty (30) days after publication thereof, revoking such previous regulation: *Provided, however,* That undisposed floor stocks of flour on hand at the effective date, of such revocation regulation, or flour manufactured prior to such effective date, for sale in this state may thereafter be lawfully sold or disposed of.

Notice.

Revocation
of
regulations.

SEC. 7. All regulations adopted by the Director pursuant to this act shall be kept in a well bound book in the office of the Director and shall become effective upon such date as the Director shall fix. Printed copies of such regulations shall be made available for public distribution.

Regulations
distributed.

SEC. 8. For the purpose of this act, the Director, or such officers or employees under his supervision as he may designate, is authorized to take samples for analysis and to conduct examinations and investigations, and to enter, at reasonable times, any factory, mill, bakery, warehouse, shop or establishment

Investiga-
tions.

where flour, white bread or rolls are manufactured, processed, packed, sold or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.

Penalty.

SEC. 9. Any person who violates any of the provisions of this act or the orders, rules or regulations promulgated by the Director under authority thereof, shall upon conviction thereof be subjected to fine for each and every offense, in a sum not exceeding one thousand dollars (\$1,000), or to imprisonment, not to exceed ninety (90) days.

SEC. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Passed the Senate February 15, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 193.

[S. S. B. 158.]

HARVESTING OF FOREST PRODUCTS.

AN ACT relating to forestry; prescribing practices to be observed in the harvesting of forest products which will tend to insure future growth; providing for the enforcement thereof; and imposing penalties.

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

Policy.

SECTION 1. Keeping the forest land of this state continuously and fully productive is one of the most important steps toward perpetuation and conservation of its forest resources. One of the most important means of effectuating such public policy is to keep timber lands productive by seeking to maintain continuous growth of timber on all lands suit-

able for such purposes, and in order to accomplish this end it is necessary, and in the public interest, to prescribe certain rules of forest practices to be observed in the harvesting of timber.

SEC. 2. When used in this act:

1. The term "Forester" shall mean the State Forester. Supervisor of Forestry.

2. The term "owner" shall mean the owner of Owner. any forest land.

3. The term "adequate restocking" shall mean Restocking. a stand of not less than three hundred (300) established live seedlings per acre of which at least one hundred (100) shall be well distributed, or not less than three hundred (300) surviving trees per acre which were established by artificial means.

4. The term "merchantable stand of timber" Merchantable stand of timber. shall mean any stand of timber consisting of not less than three thousand (3,000) board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule.

5. The term "operator" shall mean any person, Operator. firm or corporation which engages in logging of timber for commercial purposes from any land within the State of Washington.

SEC. 3. Any bona fide owner or operator of land Permit. in the State of Washington, supporting a merchantable stand of timber, to be logged during the current calendar year must first obtain a written permit from the Forester.

To obtain such a permit, the owner must make Application. written application to the Forester submitting a map showing the area to be logged, legal description, and acreage.

Each permit shall be signed by the owner or Contents. operator, and shall set forth the provisions of this act as to the responsibility of the owner or operator, and shall further state that the owner or operator is familiar with its provisions and agrees to abide

thereby. All permits shall expire at the end of each calendar year but shall be renewable for another year upon written application of the owner or operator: *Provided*, That there has been no violation of this act or rules and regulations of the department.

Reserve
trees.

SEC. 4. Every owner or operator shall provide that during the process of logging adequate precautions shall be taken to leave reserve trees of commercial species deemed adequate under normal conditions to maintain continuous forest growth, or provide adequate restocking to insure future forest production. In the conduct of logging operations and prior to and during slash disposal as required by chapter 53, Laws of 1939, proper precautions shall be taken and every reasonable effort made by the operator to protect residual stands and trees left uncut as a source of seed supply, from destruction by fire or unnecessary damage resulting from logging operations.

East of
Cascades
require-
ments.

SEC. 5. The provisions of this act shall be deemed to have been complied with in the area east of the summit of the Cascade Mountains within the State of Washington if at time of issuance of a certificate of clearance by the Forester in accordance with chapter 140, Laws of 1941, there shall have been reserved and left uncut all immature Ponderosa pine trees less than sixteen (16) inches in diameter breast high outside the bark. Except where compliance with this section would not leave sufficient seed trees of commercial species to restock the land, there shall be left seed trees of commercial species twelve (12) inches or larger breast high in the ratio of four (4) thrifty trees per acre well distributed over the area cut.

SEC. 6. The provisions of this act shall be deemed to have been complied with in the area west of the summit of the Cascade Mountains, if at time of

issuance of a certificate of clearance by the Forester in accordance with chapter 140, Laws of 1941, there shall have been reserved and left uncut not less than five per cent (5%) of each quarter section (160 acres) well stocked with commercial coniferous trees not less than sixteen (16) inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. The foregoing may be accomplished by leaving marginal long corners of timber between logged areas, or strips of timber across valleys, or along ridges and natural fire breaks, or leaving staggered settings and uncut settings.

West of
Cascades
require-
ments.

SEC. 7. In the event that any owner or operator shall desire to adopt other practical methods than those contained in sections 5 and 6 hereof for providing for future forest growth within the meaning of section 4 hereof, including but not limited to artificial restocking or partial or selective cutting of the entire stand, said methods may be substituted in lieu of the provisions of section 5 and 6 hereof, if approved by the Forester. Said plans shall be filed with the Forester previous to application for permit.

Alternative
plans.

SEC. 8. The Forester shall have the power to employ a sufficient number of technically trained foresters as inspectors to enable him to maintain an inspection service deemed adequate to secure compliance with the provisions of this act. In the event that an owner or operator shall fail, refuse or neglect or [to] comply with the provisions of this act, the Forester shall be empowered to order the particular operation, as to which the provisions of this act are not being complied with, discontinued until the owner or operator has given satisfactory assurance that he will resume operations in compliance with the provisions of this act and furnish cash deposit or bond in lieu thereof as set by the Forester but not to exceed eight dollars (\$8) per acre for that

Inspectors.

Bond.

portion of the area which through his failure to carry out the provisions of this act does not have sufficient source of seed to adequately restock the area. Such cash deposit or bond shall be furnished to insure that the owner or operator will artificially restock the area for which the money was collected, within two (2) years. In the event that at the end of said two (2) years the owner or operator has not artificially restocked the area, or this area has not become adequately restocked, the cash deposit shall be forfeited, or if the owner has posted bond in lieu of making cash deposit he shall within thirty (30) days after notification in writing by the Forester furnish the amount of money for which he has posted bond. The Forester shall place this money in a special deposit fund of the State Treasury for artificially restocking the land on which the deposit was withheld. The Forester shall artificially restock the area within two (2) years after said deposit has been forfeited, using the money in the special deposit fund collected from the owner for that purpose. Until compliance is so assured, the Forester shall also have power to prevent any new operation or operations in this state by the delinquent operator.

Deposit
fund.

Exempted
operations.

SEC. 9. The provisions of this act shall not be applicable where, upon application to the State Forester, he has in writing permitted the removal of trees. Such permits shall be issued where removal is sought for any of the following purposes:

(a) To benefit the general health and increase the annual growth of residual stands of timber or for the purpose of removing dying or diseased trees.

(b) To clear the land upon which said trees are situated for bona fide agricultural, mining, business or residential purposes.

(c) To clear rights of way, landings, campsites or firebreaks.

SEC. 10. This act shall take effect January 1, 1946. Effective date.

Passed the Senate February 28, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 194.

[S. B. 96.]

ELECTIONS—HOLDING OF PRIMARY, GENERAL AND SPECIAL ELECTIONS.

AN ACT relating to elections and voting in counties of the second to ninth classes, inclusive; consolidating city, town and district elections held therein; providing for the calling and holding of primary, general and special elections and the manner of conducting the same; conforming terms of officers to revised election dates; enlarging authority of all County Election Boards by amending section 5, chapter 61, Laws of 1921, as last amended by section 1, chapter 180, Laws of 1941 (section 5147, Remington's Revised Statutes, also Pierce's Perpetual Code 522-9); and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. All city, town and water district elections, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in all counties of the second to ninth classes, inclusive, on the Tuesday following the first Monday of November, 1945, and thereafter in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time of holding elections for the recall of city, town or district officers.

City election dates.

SEC. 2. Primary elections for the nomination of candidates to be elected at such November general elections shall, in all cases where such nominations

Primaries. are required by law to be made by primary elections, be held on the second Tuesday of September preceding the general election and conducted in the same manner as primary elections held biennially under the provisions of section 3, chapter 209, Laws of 1907 (section 5179, Remington's Revised Statutes).

Amend-
ments. SEC. 3. Section 5, chapter 61, Laws of 1921, as last amended by section 1, chapter 180, Laws of 1941 (section 5147, Remington's Revised Statutes, also Pierce's Perpetual Code 522-9), is amended to read as follows:

Election
board. Section 5. 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: *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.

Officials.

SEC. 4. All elections held under the provisions of this act shall be conducted by the precinct officials appointed by the County Election Board, in the man-

ner in which primary and general elections for state officers are conducted.

SEC. 5. All candidates for office to be voted for at any election held under the provisions of this act shall file declarations of candidacy not more than sixty (60) days and not less than thirty (30) days prior to the day of election, with the Clerk or Secretary of the governing board of any city, town or district, and such officer shall certify the same to the County Election Board at least twenty-five (25) days before the date of the primary election. Nominating petitions for candidates not required to be nominated by a primary election shall be filed with said Clerk or Secretary not later than thirty (30) days prior to the general election.

Declarations
of
candidacy.

All candidates shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the biennial statewide primary elections.

Fees.

SEC. 6. The County Election Board shall give notice of all elections to be held under the provisions of this act, by one publication in a newspaper of general circulation in the county, not less than thirty (30) days nor more than forty (40) days before the date of election, and by posting a copy of such notice at each polling place for such election not less than thirty (30) nor more than forty (40) days before the date of election. Said notice shall contain the time and place of holding said election; the hours during which the polls shall be open; the offices to be filled and the proposition to be voted upon at such election, and such notice shall be the only notice required of all elections to be held under the provisions of this act.

Notice.

SEC. 7. The governing boards of all cities, towns and districts whose elections are held under the provisions of this act shall submit a list of the offices to be filled at the November election to the County

List of
offices.

Election Board not less than ninety (90) days prior to the September primary election. They shall certify to the County Election Board ballot-titles of not more than twenty-five (25) words to be used in submitting propositions, including amendments to city charters, to voters for their approval or rejection not later than forty-five (45) days prior to any election regularly held under the provisions of this act. Ballot-titles shall be worded so voters favoring a proposition will vote "yes" and those opposed will vote "no."

Ballot
titles.

Special
elections.

SEC. 8. The governing board of any municipality or district in which a special election is to be held shall notify the County Election Board thereof not less than five (5) days previous to the time for posting or publishing the first notice thereof. The County Election Board shall call and conduct such special elections and for that purpose may combine, unite or divide voting precincts.

Terms of
office.

SEC. 9. The term of every city, town and district officer elected under the provisions of this act shall begin on the first Monday in January following his election. Any person elected to office at the first election held under this act shall not take office until the expiration of the term of officer of his predecessor. Any person whose term of office shall expire prior to the holding of the first election under this act, shall continue to hold office until his successor is elected and qualified.

Conflicting
acts.

SEC. 10. All acts or parts of acts in conflict herewith are repealed.

Passed the Senate March 8, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 195.

[S. B. 205.]

COMMISSION ON INTERSTATE COOPERATION.

AN ACT to facilitate the cooperation of this state with other units of government, establishing the Washington Commission on Interstate Cooperation for that purpose, making an appropriation, and declaring an emergency.

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

SECTION 1. There is hereby established a Commission, to be officially known as the Washington Commission on Interstate Cooperation, which shall consist of seven (7) members to be appointed by the Governor, and which shall hold office at the pleasure of the Governor.

Commission
on
interstate
cooperation.

SEC. 2. It shall be the function of this Commission:

(1) To carry forward the participation of this state as a member of the Council of State Governments;

Purposes
and duties.

(2) To encourage and assist the legislative, executive, administrative and judicial officials and employees of the state to develop and maintain friendly contact by correspondence, by conference and otherwise with officials and employees of the other states, of the Federal government and of local units of government;

(3) To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating (a) the adoption of compacts, (b) the enactment of uniform or reciprocal statutes, (c) the adoption of uniform or reciprocal administrative rules and regulations, (d) the informal cooperation of governmental offices with one another, (e) the personal cooperation of governmental officials and employees with one another, individually, (f) the interchange and clearance of

research and information, and (g) any other suitable endeavors.

(4) To do all such acts as will, in the opinion of this Commission, enable this state to cooperate effectively with the various state governments in the United States and in assisting the Council of State Governments for that purpose.

Committees.

SEC. 3. The Commission shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure inter-governmental harmony, and may perform other functions for the Commission in obedience to its decisions, subject to the approval of the Commission. The member or members of each such delegation or committee shall be appointed by the chairman of the Commission. The Commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any such delegation or committee. The Commission may provide for advisory boards for itself and for its various delegations and committees.

Rules.

Reports.

SEC. 4. The Commission shall report to the Governor and to the Legislature within fifteen (15) days after the convening of each regular legislative session, and at such other times as it deems appropriate.

SEC. 5. The Council of State Governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it.

Chairman.
Secretary.

SEC. 6. The Commission shall elect a Chairman and a Secretary, and is hereby vested with power and authority to retain and fix the compensation of such clerical assistants as may be necessary to enable the Commission to discharge the duties imposed upon it by this act.

SEC. 7. Each member of said Commission shall receive a salary of six thousand dollars (\$6,000) per

annum: *Provided*, That should the Governor appoint any elected state officer or other state official on said Commission, said officer or official shall receive as compensation for the extra duties imposed by this act the difference between the salary provided herein and the salary provided by law for said officers or officials, and said elected state officer shall hold office and may not be removed from same until the Wednesday after the second Monday in January, 1949, unless said officers or officials resign from their elective office [offices]: *Provided*, That said state elected officers may be removed from the Commission in the manner now provided by law for the removal of each respective elected state officer. Thereafter, said state elected officers shall be appointed for a term of (4) years under the same terms and conditions provided herein.

Salary.

Removal of
elected
members.

SEC. 8. The Secretary of said Commission shall forthwith communicate the text of this measure to the Governor, to the Senate and to the House of Representatives of each of the other states of the Union, and shall advise each Legislature which has not already done so that it is hereby memorialized to enact a law similar to this measure, thus joining with this state in the common cause of reducing the burdens which are imposed upon the citizens of every state.

Notification
to other
states.

SEC. 9. There is hereby appropriated the sum of forty thousand seven hundred and fifty dollars (\$40,750) to carry out the provisions of this act.

Appropriation.

SEC. 10. If any section or other portion of this act is held to be invalid, such holding shall not affect the validity of this act as a whole or any other part or portion of this act not adjudged invalid. The Legislature hereby declares that all sections of this act are severable, and that it would have enacted such remaining sections if the invalid sections had not been included in this act.

Partial
invalidity.

Effective immediately.

SEC. 11. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 196.

[S. B. 224.]

HOMESTEADS.

AN ACT relating to homesteads and amending section 1, chapter 64, Laws of 1895, as last amended by section 4, chapter 88, Laws of 1931 (section 528, Remington's Revised Statutes, also Pierce's Perpetual Code 50-21); section 4, chapter 64, Laws 1895, as last amended by section 2, chapter 193, Laws of 1927 (section 532, Remington's Revised Statutes, also Pierce's Perpetual Code 50-27); and section 24, chapter 64, Laws of 1895 (section 552, Remington's Revised Statutes, also Pierce's Perpetual Code 50-87).

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

Amendments.

SECTION 1. Section 1, chapter 64, Laws of 1895, as last amended by section 1, chapter 88, Laws of 1931 (section 528, Remington's Revised Statutes, also Pierce's Perpetual Code 50-21), is amended to read as follows:

Definition.

Section 1. The homestead consists of the dwelling house, in which the claimant resides, with appurtenant buildings, and the land on which the same are situated, and by which the same are surrounded, or land without improvements purchased with the intention of building a house and residing thereon, selected at any time before sale, as in this chapter provided.

Amendments.

SEC. 2. Section 4, chapter 64, Laws of 1895, as amended by section 2, chapter 193, Laws of 1927 (section 532, Remington's Revised Statutes, also

Pierce's Perpetual Code 50-27), is amended to read as follows:

Section 4. The homestead is exempt from attachment and from execution or forced sale, except as in this act provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds. Every homestead claimed in the manner provided by law, shall be presumed to be valid to the extent of all the lands claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Validity
presumed.

SEC. 3. Section 24, chapter LXIV (64), Laws of 1895 (section 552; Remington's Revised Statutes, also Pierce's Perpetual Code 50-67), is amended to read as follows:

Amend-
ments.

Section 24. Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in section 1 hereof, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of four thousand dollars. The premises thus included in the homestead must be actually intended or used for a home for the claimants, and shall not be devoted exclusively to any other purposes.

Value
determined.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 197.

[S. B. 225.]

PROBATE—HOMESTEADS.

AN ACT relating to awarding and setting off property of decedents to surviving spouses; and amending section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 185, Laws of 1927 (section 1473, Remington's Revised Statutes, also Pierce's Perpetual Code 205-1).

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

Amend-
ment.

SECTION 1. Section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 185, Laws of 1927 (section 1473, Remington's Revised Statutes, also Pierce's Perpetual Code 205-1), is amended to read as follows:

Set off of
homestead
to surviving
spouse.

Section 103. If it shall be made to appear to the satisfaction of the Court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then, regardless of the date of such death and even if more than six (6) years have elapsed since such date, the Court after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of four thousand dollars (\$4,000.00) exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse and exclusive of any mortgage or mechanic's, laborer's or material men's or vendor's liens upon the property so set off, which property so set off shall include the home and household goods, if any, and such award shall be made by an order or judgment of the Court and shall vest the absolute title, and thereafter there shall be no further administration

upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: *Provided*, That no property of the estate shall be awarded or set off, as in this section provided, to a surviving spouse who has feloniously killed the deceased spouse. Notice of such hearing shall be given by posting a notice in three public places in the county in which the hearing is to be held. Said notice may be posted by the Clerk of the Superior Court of the county in which the hearing is to be held, or may be posted by any person qualified to serve a summons in a civil action. Said notices shall be posted at least ten days prior to the date fixed for the hearing. If there be any minor child or incompetent heir of the decedent the Court shall appoint a guardian ad litem for such minor child or incompetent heir, who shall appear at the hearing and represent the interest of such minor child or incompetent heir. The order or judgment of the Court making the award or awards provided for in this section shall be conclusive and final, except on appeal and except for fraud. The awards in this section provided shall be in lieu of all homestead provisions of the law and of exemptions.

Notice of hearing.

Order conclusive.

Under this section the Court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 198.

[S. B. 226.]

PROBATE.

AN ACT relating to provisions for the support of the family of deceased persons, and amending section 105 [104], chapter 156, Laws of 1917, as last amended by section 1, chapter 104, Laws of 1927 (section 1474, Remington's Revised Statutes, also Pierce's Perpetual Code 205-3).

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

Amend-
ment.

SECTION 1. Section 105 [104], chapter 156, Laws of 1917, as last amended by section 1, chapter 104, Laws of 1927 (section 1474, Remington's Revised Statutes, also Pierce's Perpetual Code 205-3), is amended to read as follows:

Decree of
set off for
surviving
spouse.

Section 1. [Section 104] In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the Court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed four thousand dollars (\$4,000.00), exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the Court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor. If the value of the homestead, exclusive of all such liens, be less than four thousand dollars (\$4,000.00), the Court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all

such liens, when added to the value of the other property awarded, exclusive of all such liens, shall equal four thousand dollars (\$4,000.00). Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions.

Value.
Decree
conclusive.

Under this section the Court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 199.

[S. B. 228.]

STATE OYSTER RESERVES.

AN ACT relating to oysters; requiring a permit to take oysters from state reserves for purposes other than seed; and designating the use thereof; permitting the Director of Fisheries to sell the oysters on state reserves by the bushel or by public auction, with the right to reject bids, and granting the Director authority to promulgate rules for advertising for bids and conducting same.

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

SECTION 1. Any person before taking oysters from the reserves of the state for purposes other than seed shall secure a permit from the Director of Fisheries and pay therefor the sum of five dollars (\$5) annually. Such oysters may be used for any purpose which the permit indicates or which may be designated by the Director of Fisheries in writ-

Permit to
take oysters.

ing: *Provided*, That nothing herein contained shall change the provisions of section 1, chapter 149, Laws of 1937 (section 5703, Remington's Revised Statutes, also Pierce's Perpetual Code 555-21), as to taking oysters for seed from state reserves.

Annual
determina-
tion of
amounts.

SEC. 2. The Director of Fisheries shall have the power to annually determine whether the oysters from the oyster reserves of the state (a) shall be sold by the bushel at a price set by such Director or (b) whether certain quantities or all of such oysters should be sold for cash at public auction or by sealed bids in such amounts as the Director shall from time to time determine. To maintain the permanency of local communities and industries, the prospects of fulfillment of contract requirement, and to restrain monopolistic controls endangering competition in the industry, the Director of Fisheries shall have the power to determine the number of bushels which shall be sold to any person, firm or corporation; and when sold at public auction, the right to reject any and all bids.

Rules and
regulations.

SEC. 3. The Director shall have power to promulgate rules and regulations as to advertising and conducting such sales.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 200.

[S. B. 227.]

OYSTERS—CONTROL OF DISEASE.

AN ACT relating to oysters and giving the Director of Fisheries power to prevent "drill" or any pest or disease of oysters and all other shellfish from spreading; and declaring penalties for violations thereof.

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

SECTION 1. The Director of Fisheries shall have general supervision of the prevention of the spread and the suppression of infectious, contagious and communicable diseases and pests affecting oysters, and shall have the power to prohibit the transportation, or the transplanting, within the state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state, of seed oysters, oysters, oyster clutch, or any combination thereof, or any material or organism whatsoever, which in his judgment may transmit the disease or pest commonly known as "Japanese Oyster Drill," or any other infectious, contagious disease communicable to oysters or other shellfish. The Director shall have the power to make and enforce rules and regulations to prevent the spread, and the suppression of all infectious, contagious, dangerous and communicable diseases and pests affecting oysters and other shellfish.

Control of
oyster
diseases.

SEC. 2. No person or persons shall transport or transplant seed oysters, oysters, oyster clutch, or any combination thereof within the state from without, or from one oyster growing bay to another within the state without first having such oysters inspected and obtaining a permit from the Director of Fisheries.

Transporta-
tion pro-
hibited.

SEC. 3. Any person violating any of the provisions herein or any of the rules and regulations of

Penalty.

the Director of Fisheries pertaining to this act, shall be guilty of a misdemeanor.

Passed the Senate February 22, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 201.

[S. B. 301.]

COUNTY BUDGETS.

AN ACT relating to county budgets, tax levies and expenditures, and amending section 5, chapter 164, Laws of 1923, as amended by section 1, chapter 66, Laws of 1943 (section 3997-5, Remington's Revised Statutes, also Pierce's Perpetual Code 478-9), and declaring an emergency.

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

Amendments.

SECTION 1. Section 5, chapter 164, Laws of 1923, as amended by section 1, chapter 66, Laws of 1943 (section 3997-5, Remington's Revised Statutes, also Pierce's Perpetual Code 478-9), is amended to read as follows:

County budgets.

Section 5. The estimates of expenditures itemized and classified as required in section 2 hereof and as finally fixed and adopted in detail by said Board of County Commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the County Commissioners and every other county official shall be limited in the making of expenditures and/or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, That upon a resolution formally adopted by the County Commissioners at a regular or special meeting and entered upon the minutes, transfers or revisions within the general class of "salaries and wages," "maintenance and operation" and "capital outlay" may be made: *Provided further*, That no salary class shall be increased

above the total amount appropriated therefor. Limitations.
 Transfers between the general classes provided in section 2 hereof shall not be permitted, except that in the case of appropriations for the county road and bridge fund, the road district funds and the permanent highway maintenance fund any transfer between and/or among the general classes of (1) salaries and wages, (2) maintenance and operation, and (3) capital outlay may be made.

In addition to the above limitations neither the County Commissioners nor any other county official Road funds. shall make any expenditure and/or incur any liability, except for emergencies of the kind and in the manner provided in the second paragraph of section 6 hereof, for any of the purposes for which road and bridge or road district funds may be properly expended, for any amount in excess of eighty (80) per centum of the amount of the taxes levied for collection during the current fiscal year for either the county road and bridge fund or any of the road district funds until the cash receipts from taxation or otherwise during such current fiscal year paid into such fund against which liabilities are sought to be incurred shall exceed such eighty (80) per centum of said tax levy by an amount not less than the amount of expenditure and/or liabilities in excess of said eighty (80) per centum of said tax levy sought to be made and/or incurred.

Monies received from borrowing shall be used for no other purpose than that for which borrowed Monies borrowed. except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until such bonds have been duly authorized.

Expenditures made, liabilities incurred or warrants issued in excess of any of the detailed budget

Excess ex-
penditures.

appropriations or as revised by transfer as herein provided shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The County Auditor shall issue no warrant and the County Commissioners shall approve no claim for any expenditure in excess of said detailed budget appropriation or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any County Commissioner, or Commissioners, or County Auditor approving any claim or issuing any warrant in excess of any such budget appropriation except as above provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such County Commissioner or Commissioners or Auditor, or all of them, and their several sureties on their official bond.

Effective
immediately.

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 public institutions, and shall take effect immediately.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 202.

[S. B. 289.]

STATE TIMBER—REFORESTATION.

AN ACT providing for unification of control and jurisdiction over the sale of, reforestation of and administration of state timber including forestry practices; creating a State Timber Resources Board; defining its powers and duties; transferring to the Supervisor of Forestry all powers and duties in connection with the sale of timber, forest and forestry policy, management and practice, and reforestation now vested in the Board of State Land Commissioners, State Capitol Committee, State Forest Board, Commissioner of Public Lands and State Parks Committee; changing and fixing the qualifications for office of the Supervisor of Forestry; and repealing all acts and parts of acts in conflict herewith, and declaring an emergency.

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

SECTION 1. There is hereby created a board to be known as the State Timber Resources Board to consist of seven (7) members, as follows: The Governor of the State of Washington, who shall act as chairman, the Commissioner of Public Lands, the Secretary of State, the Director of Agriculture, the Director of Conservation and Development, the Dean of Forestry of the University of Washington and one common school representative from the State Board of Education selected by Timber Resources Board. Regular meetings of the Board shall be held at such times as may be determined upon by the Board. Special meetings of the Board may be called at any time by the chairman or by a call issued by a majority of the Board upon the giving of due notice to all members thereof. The office of the Board shall be at the State Capitol at Olympia, Washington. All regular meetings shall be held at the office of the Board. The Board shall have power to adopt such rules of procedure as may be deemed necessary to enable it most effectively to carry out its powers

State
Timber
Resources
Board.

Membership.

Office.

Powers.

and duties imposed by this act. Said Board shall approve sales of timber as herein provided.

Supervisor of Forestry.

SEC. 2. No person shall hereafter be eligible to serve as Supervisor of Forestry unless he is a graduate of a college of forestry or is a competent and experienced forester with at least ten (10) years' practical experience.

Powers and duties.

SEC. 3. From and after the effective date of this act, the Supervisor of Forestry, in addition to his other powers and duties, shall exercise all the powers and perform all the functions and duties in connection with the sale of timber, including receipt of applications, cruises, appraisals and all other acts and proceedings of every nature relating to such sales and the completion thereof, forest and forestry policy, management and practice, and reforestation now vested in, performed by or required to be performed by any one or more of the following boards, committees, agencies, officers or officials: Board of State Land Commissioners, State Capitol Committee, State Forest Board, Commissioner of Public Lands and State Parks Committee: *Provided*, That no sale of timber shall be confirmed by the Supervisor of Forestry until such sale has been approved by the State Timber Resources Board, and such Board may order such further or additional appraisals, inspections or cruises as in its judgment is necessary for the determination of the value of such timber: *Provided further*, That the receipt of money from the sale of said timber and the record of funds so collected shall be handled by the State Land Commissioner.

SEC. 4. The Board of State Land Commissioners, State Capitol Committee, State Forest Board, Commissioner of Public Lands, State Parks Committee, and each of them, shall upon the effective date of this act either turn over and deliver or make available to the Supervisor of Forestry all pending busi-

ness and all records, instruments, plats, books, files, appraisals, reports of inspections and cruises and all other reports, documents, data and equipment of every nature and description which pertain or relate to the functions, powers and duties which are by this act transferred to the Supervisor of Forestry.

Functions transferred.

SEC. 4a. No state grant forest land shall be sold without approval of the State Timber Resources Board.

SEC. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That nothing contained in this act shall be construed to repeal, amend or in any way modify any of the provisions of section 24, chapter 255 of the Laws of 1927 (section 7797-24, Remington's Revised Statutes, also Pierce's Perpetual Code 940-521), section 3, chapter 91, Laws of 1903 (section 7846, Remington's Revised Statutes, also Pierce's Perpetual Code 911-79), or subdivision "Fourth" of section 5 (sub) chapter 1 of Title II of chapter 97 of the Laws of 1909 as amended by chapter 176 of the Laws of 1939 (section 4557, Remington's Revised Statutes, also Pierce's Perpetual Code 911-11).

Acts repealed.

SEC. 6. If any section, subdivision, sentence or clause in this act shall be held invalid or unconstitutional, such holding shall not effect [affect] the validity of the remaining portions of this act.

Partial invalidity.

* SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

* For Supreme Court of Washington decision affecting this section see *State ex rel. Kennedy v. Reeves*, 122 Wash. Dec. 624, 22 Wn. (2d) —.

CHAPTER 203.

[S. B. 293.]

LIABILITY OF CARRIERS.

AN ACT relating to and regulating the issuance by common carriers of bills of lading and livestock contracts and providing for terms thereof and liability of carriers thereunder, and amending sections 1 and 2, chapter 149, Laws of 1923 (sections 3673-1 and 3673-2, Remington's Revised Statutes, also Pierce's Perpetual Code 327-1, -3).

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

Common
carrier.

SECTION 1. The term "common carrier" as used in this act shall include every individual, firm, co-partnership, association or corporation, or their lessees, trustees or receivers, engaged in the transportation of property for the public for hire, whether by rail, water, motor vehicle, air or otherwise.

Amend-
ment.

SEC. 2. That section 1, chapter 149, Laws of 1923 (section 3673-1, Remington's Revised Statutes, also Pierce's Perpetual Code 327-1), be amended to read as follows:

Bills of
lading
required.

Section 1. Any common carrier receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington, shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it, or by any common carrier to which such property may be delivered, or over whose line or lines such property may pass when transported on a through bill of lading, and no contract, receipt, rule, regulation or other limitation of any character whatsoever, shall exempt such common carrier from the liability imposed; and any such common carrier so receiving property for transportation wholly within the State of Washington, or any common carrier delivering said property so received and transported,

shall be liable to the lawful holder of said receipt or bill of lading, or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to such property caused by it or by any such common carrier to which such property may be delivered, or over whose line or lines such property may pass, when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery, or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule or regulation, or in any tariff filed with the Department of Public Service; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however,* That the provisions hereof respecting liability for full actual loss, damage or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply: first, to baggage carried on passenger trains, boats, motor vehicles or aircraft, or trains, boats, motor vehicles or aircraft carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall be expressly authorized or required by order of the Department of Public Service, to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released; and any tariff schedule which may be filed with the Department of Public Service pursuant to such order shall contain specific reference thereto and may establish rates varying with the

Limitations
of
liability.

Orders of
Department
of Public
Service.

Livestock.

Filing of
claims.Connecting
carriers.Amend-
ment.

value so declared and agreed upon; and the Department of Public Service is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided, further,* That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided, further,* That it shall be unlawful for any such receiving or delivering common carrier to provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *And provided, further,* That for the purposes of this section and of section 2 of this act the delivering carrier in the case of rail transportation shall be construed to be the carrier performing the line-haul service nearest to the point of destination, and not a carrier performing merely a switching service at the point of destination: *And provided further,* That the liability imposed by this section shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed with the Department of Public Service.

SEC. 3. That section 2, chapter 149, Laws of 1923 (section 3673-2, Remington's Revised Statutes, also Pierce's Perpetual Code 327-3), be amended to read as follows:

Section 2. The common carrier issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Connecting
carriers
liability.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 204.

[S. B. 302.]

BANKS—PUBLICATION OF DEPOSITS.

AN ACT providing for the semi-annual publications by all banks and banking institutions, including branches thereof; and the total amount of deposits therein on certain dates and providing that any such institutions failing so to do shall not be eligible as depositories for public funds.

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

SECTION 1. Words and phrases as used in this act shall be given the meaning as in this section defined, unless the context clearly shows a different meaning is intended.

Definitions.

(a) "Banks" shall mean any commercial banking institution doing a commercial banking business within the State of Washington, and for the purpose of this act, each branch of any bank shall be considered as a separate institution.

Banks.

(b) "Public Funds" shall mean the funds of the State of Washington and of each and every subdivision, municipality, county, public corporation, quasi public corporation, quasi municipal corporation, irrigation district and port district therein.

Public
funds.

Publication semi-annually of deposits.

SEC. 2. Every bank shall on or before August first of each year and February first of each year, publish in a newspaper of general circulation in the county in which such bank has its office, a statement showing the total amount of deposits in such bank as of date not more than thirty-two days prior to the publication of such notice.

Failure to comply.

SEC. 3. Every bank failing to comply with the provisions of this act shall not be eligible to receive deposits of public funds.

Passed the Senate March 2, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 205.

[S. B. 323.]

PURCHASE OF PROPERTY FROM FEDERAL GOVERNMENT.

AN ACT relating to the purchase, lease or other acquisition of surplus property of the Federal Government on behalf of the state and its political subdivisions; defining the powers and duties of the Governor and Director of Finance, Budget and Business in connection therewith; creating a surplus property purchase revolving fund; making an appropriation thereto from the general fund, and declaring an emergency.

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

State department.

SECTION 1. For the purposes of this act:

The term "state department" means any office, department, commission, institution or other agency of the State of Washington authorized by law to exercise any governmental authority on behalf of the state.

Political subdivision.

The term "political subdivision" means any political subdivision of the state including any county, city, town, township, port district, public utility dis-

tract, irrigation district or other municipal corporation or quasi-municipal corporation.

The term "surplus property" means any property, title to which is in the Federal Government or any department or agency thereof, and which property is to be disposed of as surplus under any act of Congress heretofore or hereafter enacted providing for such disposition.

Surplus
property.

SEC. 2. The Director of Finance, Budget and Business, through and by means of the Division of Purchasing, is hereby authorized to purchase, lease or otherwise acquire from the Government of the United States or any surplus property disposal agency thereof surplus property for the use of any state department or for the use of any political subdivision.

Purchase
of surplus
property
authorized.

SEC. 3. There is created in the Department of Finance, Budget and Business a revolving fund to be designated the surplus property purchase revolving fund, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending March 31, 1947, the sum of five million dollars (\$5,000,000) or so much thereof as shall be necessary. The Director shall have power, with the approval of the Governor, to transfer so much of this appropriation to the revolving fund from time to time as he may deem necessary to maintain said fund in a condition adequate to carry out the purposes of this act.

Revolving
fund
created.

SEC. 4. The surplus property purchase revolving fund shall be administered by the Director of Finance, Budget and Business and be used for the purchase, lease or other acquisition from time to time of surplus property from any Federal surplus property disposal agency. The Director may purchase, lease or acquire such surplus property on the requisition of a state department or political subdivision and without such requisition at such time or times

Administra-
tion of
fund.

as he deems it advantageous to do so; and in either case he shall be responsible for the care and custody of the property purchased so long as it remains in his possession.

Purchases
for
political
subdivisions.

SEC. 5. In purchasing surplus property on requisition for any state department or political subdivision the Director may advance the purchase price thereof from the surplus property purchase revolving fund, and he shall then in due course bill the proper state department or political subdivision for the amount paid by him for the property plus a reasonable amount to cover the expense incurred by him in connection with the transaction. All monies received in payment for surplus property from state departments and political subdivisions shall be by the Director deposited in the surplus property purchase revolving fund. In purchasing surplus property without requisition, the Director shall be deemed to take title outright and he shall then be authorized to resell from time to time any or all of such property to such state departments and political subdivisions as desire to avail themselves of the privilege of purchasing. The Director shall sell surplus property to state departments and political subdivisions at a price sufficient only to reimburse the surplus property purchase revolving fund for the cost of the property to the fund plus a reasonable amount to cover expenses incurred in connection with the transaction. All purchases, leases and other acquisitions of surplus property and all disposals thereof, or credit extended in connection therewith, under this act, shall be subject to the approval of the Governor.

Sales to
political
subdivisions.

Approval.

Deposit of
funds.

SEC. 6. The surplus property purchase revolving fund shall be deposited by the Director in such banks as he may select, but any such depository shall furnish a surety bond executed by a surety company or companies authorized to do business in the State of Washington, or collateral eligible as security for

deposit of state funds, in at least the full amount of the deposit in each depository bank. Monies shall be paid from the surplus property purchase revolving fund by voucher and check in such form and in such manner as shall be prescribed by the Director.

SEC. 7. The Director of Finance, Budget and Business shall have power to promulgate such rules and regulations as may be necessary to effectuate the purposes of this act. Rules and regulations.

SEC. 8. 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 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 206.

[S. B. 332.]

EXCISE TAX—TRANSFER OF PROPERTY BY GIFT.

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; and amending section 2, chapter 119, Laws of 1941, as amended by section 1, chapter 276, Laws of 1943 (section 11218-12, Rem. Supp. 1943, also Pierce's Perpetual Code 973-3), and section 4, chapter 119, Laws of 1941 (section 11218-14, Rem. Supp. 1941, also Pierce's Perpetual Code 973-7).

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

SECTION 1. Section 2, chapter 119, Laws of 1941, as amended by section 1, chapter 276, Laws of 1943 (section 11218-12, Rem. Supp. 1943, also Pierce's Perpetual Code 973-3), is amended to read as follows: Amendment.

Section 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 as follows: (1) With respect to all gifts made prior to Gift tax.

Gifts to
relatives.

January 1, 1943, at the rates fixed by law on December 31, 1942, and (2) with respect to all gifts made on or after January 1, 1943, at the following rates: Class A. Any gift made to or for the use or benefit of a grandfather, grandmother, father, mother, husband, wife, child, step-child or lineal descendant of a step-child, adopted child, son-in-law, daughter-in-law, lineal descendant of the donor, or adopted child of the 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 \$75,000, 3%; on any amount in excess of \$75,000 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.

Amount.

Tax.

Sisters and
brothers.

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.

Amount.

Tax.

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: 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%.

Other gifts.

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.

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. 2. Section 4, chapter 119, Laws of 1941 (section 11218-14, Rem. Supp. 1941, also Pierce's Perpetual Code 973-7), is amended to read as follows:

Amendment.

Section 4. (a) The term "net gifts" means the total amount of gifts made during the calendar year, less the deductions provided in (section 11218-15, Remington's Revised Statutes) section 5;

Net gifts.

(b) In the case of gifts, other than of future interests in property, made to any person 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.

Amount exempted.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 207.

[S. B. 360.]

TRANSFER OF PUBLIC LANDS.

AN ACT authorizing the conveyance of certain lands in Clallam County to Sanford Lake in consideration of the transferance of certain property by Sanford Lake to the State of Washington; and authorizing the Commissioner of Public Lands to negotiate and complete such exchange of lands; and declaring an emergency.

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

Conveyance
of lands to
Sanford
Lake.

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 Sanford Lake all the interest of the State of Washington in the following described lands, situated in Clallam County, Washington:

A tract of land containing .66 acres, more or less, lying in the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 12, Township 29 North, Range 4, W., W. M., beginning at the northeast (NE) corner of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 12, Township 29 North, Range 4, W., W. M.; thence South 0 deg. 10' West, 700 feet, to true point of beginning; thence due West 194.1 feet; thence due North 67.9 feet; thence North, 49 deg. 31' 30" East, 187 feet; thence North 69 deg. 33' 30" East, 56 feet; thence South 0 deg. 10' West, 208.9 feet, to the true point of beginning.

The said Commissioner of Public Lands is hereby authorized and directed to certify in the manner now provided by law in other cases to the Governor to give the said Sanford Lake the right of ingress and egress over a strip of land 20 feet wide, described as follows:

Beginning at the northeast (NE) corner of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter

(NW $\frac{1}{4}$) of section 12, Township 29 North, Range 4, W., W. M.; thence South 0 deg. 10' West, 487.3 feet; thence South 69 deg. 33' 30" West, 56 feet; thence South 49 deg. 31' 30" West, 43 feet, to true point of beginning; thence over a strip of land 20 feet in width, the center line of which strip of land is described as follows:

Description
of land.

North 53 deg. 28' 30" West, 42.5 feet; thence North 5 deg. 13' 30" West, 179.33 feet; thence North 0 deg. 56' 30" East, 100 feet; thence North 72 deg. 4' 30" East, to point of intersection with southeasterly edge of the county road.

SEC. 2. The Governor is hereby authorized and directed to execute and the Secretary of State to attest a deed conveying to Sanford Lake, all of said lands, and authorizing such easement.

Deed and
easement.

SEC. 3. As a condition precedent to the execution of the above deed and easement, the said Sanford Lake and wife shall make, execute and deliver to the State of Washington in a form to be approved by the Attorney General, a deed conveying to the State of Washington all of their right, title and interest in and to the following described property situated in the County of Clallam, to-wit:

Conveyance
of land
to State of
Washington.

One (1) acre of land more or less, located in the southeast quarter (SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$), section 12, Township 29 North, range 4 West, said one (1) acre of land, more or less, lying about 500 feet South (S) of the northwest (NW) corner of said tract of land, being bounded on the East (E) by the county road and on the West (W) by the said southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$), section 12, Township 29 North, Range 4, W., W. M., and lying in what is known as the Canyon Creek Canyon, and the only land previously owned by T. D. Tiller in said Canyon Creek Canyon, except a tract of land containing .63 acres, more or less, lying in the southeast quarter

(SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$), section 12, Township 29 North, Range 4, W., W. M., and beginning at the northwest (NW) corner of the southeast quarter (SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 12, Township 29 North, Range 4, W., W. M.; thence South 0 deg. 10', 808.24 feet to true point of beginning, which is the intersection of the northwesterly border of the county road and the line; thence North 0 deg. 10' East, 317.1 feet; thence North 69 deg. 33' 30" East, 142.9 feet; thence due East 29.7 feet to intersection of a line with the northwesterly border of the county road; thence along the border of said road to true point of beginning, said county road being 30 feet wide, and described as follows:

Extend due easterly line 18.61 feet from point of intersection of said line with northwesterly border of said county road, said extended point being the point of intersection of center line tangent of said road; thence South 34 deg. 19' 30" West, 152.6 feet; thence South 8 deg. 17' 30" East, 122.2 feet; thence South 24 deg. 2' 30" West, 91.7 feet; thence South 52 deg. 59' 30" West, 84.1 feet; thence South 75 deg. 58' 30", 10 feet.

Descriptions approximate.

SEC. 4. The descriptions contained in sections 1 and 3 of this act are approximate only, and the Commissioner of Public Lands is hereby authorized and directed to prepare a deed for such lands, which deed shall contain an accurate description of the lands to be conveyed, and accepted in exchange.

Effective immediately.

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

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 208.

[S. B. 370.]

LIQUOR CONTROL BOARD.

AN ACT relating to the appointment, powers and duties of the members of the Washington State Liquor Control Board; amending section 63 of chapter 62 of the Laws of 1933, Extraordinary Session, as last amended by section 1 of chapter 225 of the Laws of 1937 (section 7306-63 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 678-11), and section 64 of chapter 62 of the Laws of 1933, Extraordinary Session (section 7306-64 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 678-13); and declaring an emergency.

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

SECTION 1. Section 63 of chapter 62 of the Laws of 1933, Extraordinary Session, as last amended by section 1 of chapter 225 of the Laws of 1937 (section 7306-63 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 678-11), is amended to read as follows: Amendment.

Section 63. There shall be a Board, known as the "Washington State Liquor Control Board," consisting of three members, to be appointed by the Governor with the consent of the Senate and hold office at the pleasure of the Governor, who shall each be paid an annual salary, to be fixed by the Governor, not to exceed \$7,500.00. The Governor may, in his discretion, appoint one of the members as chairman of the Board, and a majority of the members shall constitute a quorum of the Board. Liquor Control Board.
Salary.

SEC. 2. Section 64 of chapter 62 of the Laws of 1933, Extraordinary Session (section 7306-64 of Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 678-13), is amended to read as follows: Amendment.

Section 64. The principal office of the Board shall be at the state capital, and it may establish such other offices as it may deem necessary. Office.

Duties.

Each member of the Board shall devote his entire time to the duties of his office and no member of the Board shall hold any other public office. Before entering upon the duties of his office each of said members of the Board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the State of Washington, to be approved by the Governor, in the penal sum of fifty thousand dollars (\$50,000.00) conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the Secretary of State. The premium for said bond shall be paid by the Board.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 209.

[S. B. 119.]

LIABILITY OF COMMON CARRIERS.

AN ACT relating to the liability of common carriers for loss or damage to baggage.

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

SECTION 1. The liability of any common carrier subject to regulation by the Department of Public Service for the loss of or damage to any baggage shall not exceed the sum of two hundred dollars (\$200) for each trunk and its contents, fifty dollars (\$50) for each valise, suit case or traveling bag and its contents, or twenty-five dollars (\$25) for each box, bundle or package and its contents unless a higher valuation is declared at the time of the delivery of such baggage to the carrier and assented thereto in writing by such carrier: *Provided, however,* That in the case of the originating carrier the limitation of liability defined in this act shall only apply when the passenger or shipper shall have had constructive notice that the common law liability of such carrier has been so limited.

Liability
of common
carriers for
loss of
baggage.

Passed the Senate March 8, 1945.

Passed the House March 8, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 210.

[S. B. 175.]

STATE SUSTAINED YIELD FOREST NO. 1.

AN ACT making an appropriation for the purpose of carrying out the provisions of chapter 175, Laws of 1933.

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

Appropriation for state sustained yield forest No. 1.

SECTION 1. In order to carry out the purpose of "state sustained yield forest No. 1" and provide for the making of a topographical survey of said forest, the dividing of the same into logging circles or units, making maps thereof and managing said forest under the sustained yield program as provided in chapter 175, Laws of 1933 (sections 7879-1 to 7879-6, both inclusive, Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 940-143 to -153), there is appropriated from so much of the general fund as is not otherwise appropriated the sum of one hundred thousand dollars (\$100,000), said appropriation to be disbursed at such times, in such manner and for such purposes as the Governor may direct.

Passed the Senate March 1, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 211.

[S. B. 202.]

WASHINGTON STATE GUARD.

AN Act relating to armory drill pay for the active State Guard; making an appropriation therefor; providing penalty for false muster; and declaring an emergency.

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

SECTION 1. That members of the active Washington State Guard shall be paid for attendance at, and participation in regularly stated armory drills, under the conditions hereinafter set forth and at the rate as herein provided:

Pay for armory drill of State Guard

(a) No officer or enlisted man shall be paid for more than five (5) armory drills in any calendar month, or for more than forty-eight (48) armory drills in any calendar year, except that the commanding officer of each unit shall be paid one (1) additional day's pay each month for satisfactory performance of administrative duties.

(b) No commissioned or non-commissioned officer shall qualify for armory drill pay unless there is present at least seventy per cent (70%) of the actual strength of such unit.

(c) No officer or enlisted man shall qualify for armory drill pay unless one and one-half (1½) hour is spent in supervised training.

(d) The following pay schedule is hereby provided:

Grades	Pay per drill
Field Officers	\$7.50
Captains	6.00
Lieutenants	5.00
Master and Technical Sergeants.....	3.00
Staff Sergeants	2.50
Sergeants	2.00
Corporals	1.50
Private 1st Class.....	1.25
Privates	1.00

SEC. 2. That said armory drill pay shall be paid at the end of each quarter upon approved payrolls

supplied by the Adjutant General's office and prepared under the direction of the unit commander.

SEC. 3. That no pay shall accrue for any period during which any member shall be in active state service: *Provided*, That in the event any member of a unit is in active service, nevertheless, such one shall be counted as present in computing the percentage necessary to qualify for armory drill pay.

Penalty.

SEC. 4. Any officer or enlisted man who shall participate in any false muster shall be guilty of misdemeanor.

Appropriation.

SEC. 5. There is hereby appropriated the sum of three hundred twenty thousand dollars (\$320,000), or as much thereof as may be necessary, from the General Fund of the State Treasury for the Military Department, to be used for the purposes specified in this act.

Effective immediately.

SEC. 6. This act is necessary for the support of the state government and its existing public institutions, and shall take effect April 1, 1945, and shall remain in full force and effect, only, until the State Guard is replaced by authorized National Guard troops.

Passed the Senate February 14, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 212.

[S. B. 233.]

SURVEY OF HOSPITAL AND HEALTH CENTERS.

AN ACT to provide for the making of a survey of all hospital and health center facilities within the State of Washington; making an appropriation; and declaring an emergency.

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

SECTION 1. The Director of the Washington State Department of Health is hereby authorized and directed to conduct and make a survey of the location, size and character of all existing public and private (proprietary as well as non-profit) hospitals and health centers within the State of Washington; evaluate the sufficiency of such hospitals and health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state; and compile such data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services.

Survey of hospital and health centers.

SEC. 2. The State Director of Health shall appoint a state advisory council which shall include representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction, or utilization of hospitals, to consult with the State Director of Health in carrying out the purposes of this act.

Advisory council.

SEC. 3. The Washington State Department of Health is authorized to apply for and accept on behalf of the state and to deposit with the State Treasurer and to expend for the purpose for which granted, any grant or advance by the United States or any agency or officer thereof, to assist in the carrying out of the purposes of this act.

Federal aid.

Appropriation.

SEC. 4. There is hereby appropriated the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary, from the General Fund of the State Treasury, to be used by the Washington State Department of Health for the purpose of carrying out the provisions of this act: *Provided*, That such sum, greater or smaller, is obtained from the Federal Government.

Effective immediately.

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

Passed the Senate February 25, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 213.

[S. B. 297.]

STATE HOSPITAL SEDRO-WOOLLEY—SANITATION.

AN ACT relating to the State Hospital at Sedro-Woolley; providing adequate water and sewerage facilities therefor; and declaring an emergency.

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

Water supply and sewer system at Sedro-Woolley.

SECTION 1. The Director of Finance, Budget and Business is hereby authorized and directed to construct an adequate, modern, and power driven water supply system for the State Hospital at Sedro-Woolley, Washington, to replace the present gravity system which has recently been damaged by washouts in its watershed. and to install a modern sewerage system for the hospital.

Appropriation.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Finance, Budget and Business the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be neces-

sary, from monies not otherwise appropriated, for the purpose of carrying out the provisions of this act.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1945.

Effective immediately.

Passed the Senate March 1, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 214.

[S. B. 75.]

FOURTH CLASS CITIES AND TOWNS.

AN ACT relating to fourth class cities and towns; prescribing the powers of the council thereof; and amending section 154, chapter VII, pages 201-202, Laws of 1889-90, as last amended by section 1, chapter 74, Laws of 1941 (section 9175, Remington's Revised Statutes, also Pierce's Perpetual Code 383-29).

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

SECTION 1. Section 154, chapter VII, pages 201-202, Laws of 1889-90, as last amended by section 1, chapter 74, Laws of 1941 (section 9175, Remington's Revised Statutes, also Pierce's Perpetual Code 383-29), is amended to read as follows:

Section 154. The council of said town shall have power:

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States;

Powers of city council in fourth class cities.

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;

3. To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

Powers of
city council
in fourth
class cities.

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;

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;

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

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;

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;

Powers of
city council
in fourth
class cities.

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;

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;

11. To erect and maintain buildings for municipal purposes;

12. To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface aerial and underground tramways.

13. To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

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;

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;

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

Powers of
city council
in fourth
class cities.

perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Passed the Senate February 26, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 215.

[S. B. 203.]

WASHINGTON STATE TOLL BRIDGE AUTHORITY.

AN ACT authorizing the Washington Toll Bridge Authority to complete location and design for a toll tunnel with connections and facilities under the Cascade Mountains on Primary State Highway No. 5; making an appropriation therefor; and further authorizing said authority to proceed with construction and operation when funds become available.

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

SECTION 1. The Washington Toll Bridge Authority is hereby authorized and empowered to complete the location and design of a toll tunnel through the Cascade Mountains, together with necessary connections to existing highways, said toll tunnel to be located on the extension to Primary State Highway No. 5, defined by law as beginning at a point on Primary State Highway No. 5 in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5 in the vicinity north of Cliffdell. Said authority is hereby further authorized to proceed with the construction and operation of said toll tunnel as soon as finances therefor become available to said authority.

Toll Bridge Authority empowered to locate Cascade tunnel.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may

Appropriation.

be necessary, in order to carry out the provisions of this act.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 216.

[S. B. 294.]

POLLUTION CONTROL COMMISSION.

AN ACT to create the Pollution Control Commission of the State of Washington; declaring public policies; granting it control over the pollution of all waters of the state, with powers to make rules and regulations governing the same, and prescribing the powers and duties of such commission; and prohibiting the pollution of any waters of the state, and providing penalties for violation thereof, and making an appropriation.

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

Preamble.

SECTION 1. It is declared to be the public policy of the State of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the State of Washington.

Person.

SEC. 2. Whenever the word "person" is used in this act, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever. Wherever the words "waters of the state" shall be used in this act, they shall be construed to

Waters of
the state.

include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

SEC. 3. There is hereby created a "Pollution Control Commission" of the State of Washington, composed of the Director of the Department of Conservation and Development; the Director of the Department of Fisheries; the Director of the Department of Game; the Director of the Department of Health; and the Director of the Department of Agriculture.

Pollution
Control
Commission.

SEC. 4. The members of the Commission shall receive no additional compensation for their services as members of the Commission other than their necessary traveling and subsistence expense while acting as such member of the Commission.

Expenses.

SEC. 5. The Commission shall elect its own chairman and may recommend a director to be appointed by the Governor. The Governor shall appoint or remove at his pleasure, and fix the salary of the Director.

Chairman.

Director.

SEC. 6. The Commission shall have the power to make its own rules, regulations, and procedure, and shall meet at least bi-monthly and shall keep a complete record of all its proceedings.

Rules.
Meetings.

SEC. 7. The Chief Public Health Engineer of the State Department of Health shall serve as technical secretary of the Commission. He shall receive no additional salary or wages for such services. The Director shall have charge of the operating, staffing, directing, coordinating and supervising its activities. He shall submit a written progress report of the work of the staff to the Commission before each regular bi-monthly meeting.

Health
Engineer
technical
secretary.

SEC. 8. The technical secretary may be assisted when necessary by technical advisors appointed by the respective members of the Commission from

Assistants.

their respective departments. Technical advisors when appointed shall receive no additional salary or wages for such services to the Commission.

Special meetings.

SEC. 9. Special meetings may be called by the chairman of the Commission or by three members of the Commission by delivery of written notice at the office of each member of the Commission. Three members of the Commission shall constitute a quorum to transact the business of the Commission at either special or regular meetings.

Jurisdiction.

SEC. 10. The Commission shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the State of Washington.

Authority.

SEC. 11. The Commission shall have authority to, and shall enforce the provisions of this act and shall have the power to adopt, prescribe and promulgate rules, regulations and standards consistent with known, available and reasonable methods of preventing pollution, and consistent with the public welfare as it deems necessary to carry out the purposes of this act.

Power to relieve pollution.

SEC. 12. Whenever, in the opinion of the Commission, an emergency exists on account of any discharge, or threatened discharge, of waste matter which pollutes, tends to pollute or contributes to the pollution of the waters of the state, it is empowered and shall seek injunctive or abatement relief in a court of competent jurisdiction, against such discharge or threatened discharge.

SEC. 13. The Commission shall determine what qualities and properties of water shall indicate a polluted condition of such waters of the state, which is or may be deleterious to the public health; to the prosecution of any industries; to the lawful occupation on which or in which any such waters may be

lawfully used; to the carrying on of any agricultural, or horticultural pursuit which may be injuriously affected; to the lawful conduct of any livestock industries; to the use of any such waters for domestic animals; to the lawful use of any such waters by the State of Washington or any political subdivision, corporation, municipal corporation, association, partnership, person or any other legal entity; to any fish or other aquatic life, migratory bird life, beneficial animal or vegetable life in said waters which may be destroyed, or to the growth or propagation thereof, which may be prevented or injuriously affected. Any such determination made by the Commission shall be filed of record in the office of the Commission.

Power to determine pollution.

SEC. 14. It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause a polluted condition of such waters according to the determination of the Commission, as provided for in this act. The Commission is authorized to bring any appropriate action at law or in equity in the name of the people of the State of Washington, as may be necessary to carry out the provisions of this act.

Unlawful to permit pollution.

SEC. 15. The Commission or its duly appointed agent shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution of, or the possible pollution of any of the waters of this state.

Inspection authorized.

SEC. 16. The Commission shall have the right to request and receive the assistance of any educational institution or state agency when it is deemed necessary by the Commission to carry out the provisions of this act.

Assistance of state agencies.

Sewer
plans
approved.

SEC. 17. All plans and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, shall be submitted to and be approved by the Commission, before construction thereof may begin.

Notice.

SEC. 18. Whenever, in the opinion of the Commission, any person shall violate or is about to violate the provisions of this act, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the Commission shall notify such person of its determination by registered mail. Within fifteen (15) days from the receipt of notice of such determination, such person shall file with the Commission a full report stating what steps have been and are being taken to control such waste or pollution. Whereupon the Commission may issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

Hearing.

SEC. 19. The Commission shall grant a hearing to any person who shall feel aggrieved by any order or directive of the Commission, upon application filed within fifteen (15) days from receipt thereof. At such hearing the petitioner may appear, present witnesses and submit evidence. Following such hearing the Commission shall make its order or directive, and, unless appeal is taken therefrom as hereinafter provided, the same shall be final and conclusive. Such order or directive shall be subject to review and trial de novo as a cause in equity upon petition filed within fifteen (15) days of the issuance of such order or directive, in the Superior Court of the county in which the affected system or plant, or some portion thereof, is situated. Except in case of an emergency affecting the public health, any order or directive shall be stayed pending the hearing before

Appeal.

the Commission and, in case of appeal, pending final determination of the matter by the Court. Any order or directive shall be subject to modification or revision by the Commission upon the petition of any party adversely affected thereby.

SEC. 20. Any person found guilty of willfully violating any of the provisions of this act, or any final written orders or directive of the Commission or a court in pursuance thereof shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) and costs of prosecution, or by imprisonment in the county jail [jail] for not more than one year, or by both such fine and imprisonment in the discretion of the Court. Each day upon which a willful violation of the provisions of this act occurs may be deemed a separate and additional violation. Penalty.

SEC. 21. This act shall not be construed as repealing any of the laws governing the pollution of the waters of the state, but shall be held and construed as ancillary to and supplementing the same and an addition to the laws now in force, except as the same may be in direct conflict herewith. Conflicting acts.

SEC. 22. There is hereby appropriated the sum of one hundred twenty-five thousand dollars (\$125,000) from the General Fund for the purpose of carrying out the provisions of this act. Appropriation.

SEC. 23. Should any section or provision of this act be held invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than that portion so held to be invalid. Partial invalidity.

Passed the Senate March 7, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 217.

[S. B. 346.]

READJUSTMENT OF RETURNING VETERANS.

AN ACT authorizing the State of Washington to assist in the readjustment to civilian life of returning World War II veterans in conjunction with the Federal Government in guaranteeing certain loans; creating the division of Veterans' Loan Insurance; providing for its organization, powers, duties and responsibilities; prescribing the powers and duties of the Director of Finance, Budget and Business and the Supervisor of Veterans' Loan Insurance in relation thereto; making an appropriation and declaring an emergency.

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

Policy.

SECTION 1. It is the intention of the Legislature by this act to partially discharge the obligation of the State of Washington to those of its citizens who are serving, or who shall have served, in the Army, Navy, Marine Corps or Coast Guard, during World War II, by creating in the Department of Finance, Budget and Business the Division of Veterans' Loan Insurance and authorizing the Director through said division to guarantee, to the extent provided in this act, loans made to such citizens by state banks and savings and loan associations, in conjunction with loan guarantees made by the Federal Government under Public Law No. 346, or as the same may be hereafter amended, being chapter 268 of the second session of the 78th Congress, in order that such citizens may more readily obtain loans for their economic rehabilitation and readjustment to civilian life.

Supervisor
of Veterans'
Loan
Insurance.

SEC. 2. The Director of Finance, Budget and Business shall appoint and deputize an assistant director to be known as the Supervisor of Veterans' Loan Insurance, who shall have charge and supervision of the Division of Veterans' Loan Insurance and who shall have power, with the approval of the

Director to appoint and deputize such clerical and other assistants as may be necessary to carry on the work of the division and to provide necessary quarters, supplies and equipment. The division shall maintain its principal office at the State Capitol, but branch offices at other places may be established.

SEC. 3. In order to assist the granting of loans to any citizen of the State of Washington who is serving or who shall have served in the Army, Navy, Marine Corps or Coast Guard during World War II and who shall apply to any state bank or savings and loan association chartered under the laws of the State of Washington for a loan which may be guaranteed by the United States under the provisions of Public Law 346, the Director of Finance, Budget and Business, through and by means of the Division of Veterans' Loan Insurance, shall have the power and duty:

Powers and duties.

(1) To guarantee, under such terms and conditions as the Director may deem advisable, the payment of any federally guaranteed loan made to any such citizen by any such state bank or savings and loan association, to an amount not in excess of twenty-five per cent (25%) of the face value of such loan, any such guarantee to be in addition to the Federal guarantee and to be made solely from and by means of the Veterans' Loan Insurance Reserve Fund authorized by this act: *Provided*, That in no event shall the total of any guarantee of the United States and any guarantee made under the provisions of this act exceed seventy-five per cent (75%) of the face value of any such loan: *Provided further*, That the total amount of all guarantees made by the Director pursuant to the act shall not exceed the total liability of the Veterans' Loan Insurance Reserve Fund authorized by this act.

Guarantee.

(2) To exercise such other powers and perform such other duties in connection with such loans and the Veterans' Loan Insurance Reserve Fund guaran-

tee thereof as may be necessary to accomplish the purposes of this act and to protect the interests of the State of Washington in connection therewith and to have such other powers and duties as may be prescribed by law.

Powers and duties.

(3) To transfer such money from the Veterans' Loan Insurance Fund to the Veterans' Loan Insurance Reserve Fund at such times and in such amounts as he may deem necessary to accomplish the purposes of this act.

(4) To issue regulations concerning the terms and conditions under which the Veterans' Loan Insurance Reserve Fund guarantee will be extended or paid in connection with any loan guaranteed pursuant to the provisions of this act, and to receive from borrowers and lenders such loan insurance premiums as he may require from time to time to be paid by them.

Insurance fund.

SEC. 4. There is hereby created in the Division of Veterans' Loan Insurance the Veterans' Loan Insurance Fund.

Reserve fund.

SEC. 5. From the Veterans' Loan Insurance Fund and from any loan insurance premiums paid to the Division of Veterans' Loan Insurance by any borrowers or lenders qualified to borrow or lend under the terms of this act, the Director of Finance, Budget and Business shall create the Veterans' Loan Insurance Reserve Fund, which shall constitute the sole fund from which there may be paid any losses accruing to any state bank or savings and loan association from any loans guaranteed under the provisions of this act.

Authority to pay guaranteed loans.

SEC. 6. The Director shall have authority to pay out of the Veterans' Loan Insurance Reserve Fund such losses as may result from any loans guaranteed under the provisions of this act to the extent of such guarantee: *Provided*, That the aggregate liability of the Veterans' Loan Insurance Reserve Fund for

all such losses shall never exceed the total amount in said reserve fund.

SEC. 7. All money in the Veterans' Loan Insurance Fund and all money in the Veterans' Loan Insurance Reserve Fund shall be invested by the State Finance Committee and all expenses of the Veterans' Loan Insurance Division shall be paid by the Director from the income from said investments, which expenses the Director is hereby authorized to incur and pay.

Investment
of funds.

Expenses.

SEC. 8. For the purposes of this act there is hereby appropriated from the General Fund of the State of Washington the sum of five million dollars (\$5,000,000) which shall constitute the Veterans' Loan Insurance Fund created by this act.

Appropriation.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 218.

[S. B. 298.]

DEPARTMENT OF GAME—LEGISLATIVE INTERIM
COMMITTEE.

AN ACT relating to the Department of Game and to the State Game Commission; providing for the appointment of a legislative interim committee and prescribing its powers and duties; making an appropriation; repealing chapter 165, Laws of 1943; and declaring an emergency.

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

Policy.

SECTION 1. The successful policies of the state with respect to game management have resulted in seasonal deer and elk concentrations within certain agricultural and horticultural areas of the state, giving rise to numerous damage inflictions upon cultivated agricultural and horticultural crops, for which no adequate mode of relief or prevention has been provided. The public has evidenced popular favor of an abundant supply of all species of wild life and will not be subserved by retrenching in the matter of wild life conservation or propagation. It appears to be the consensus of the many diversified and interested groups who have express[ed] opinions on the problem that prevention of damage by wild life rather than compensation for damage after it has occurred is the most practical, equitable and economically sound method of solution. The limited data and information available on the aggregate damage sustained to personal property and crops by reason of the increased abundance of game life within the state and because of the limited sums of money available in the State Game Fund, the varied sources from which such money is derived, and because of the complications involved and the inequities to certain classes of license holders that would result in attaching responsibility for any or all game damage claims to existing game funds, it appears that the only fair and satisfactory solution to the

Legislative
intent.

problem that exists can be arrived at only by a further study and survey and an unbiased approach to the entire game damage situation.

SEC. 2. 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 seek advice from all interested parties and to investigate the existing game problems in relation to all ramifications involved as to the points contained herein, and all activities of the State Game Department with power to investigate all records, books and accounts therein and with power to subpoena witnesses, and to make a mutual report, including therein recommendations for legislation for consideration by the 1947 legislative session, and to employ such clerical assistance as is necessary to carry out the intent of this act.

Membership
of
Interim
Committee.

SEC. 3. The members of said Committee shall be entitled to their actual travel, lodging and subsistence expenses while absent from their usual place 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.

Expenses.

SEC. 4. There is hereby appropriated from the State Game Fund the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary to carry out the provisions of this act.

Appropriation.

SEC. 5. Chapter 165, Laws of 1943, is hereby repealed.

Act
repealed.

SEC. 6. This act is necessary for the immediate preservation of the public peace and safety, and for

Effective
immediately.

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

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 219.

[S. B. 12.]

WORKMEN'S COMPENSATION FUND.

AN ACT relating to workmen's compensation and medical aid; establishing a second-injury fund and prescribing the purpose for which the same may be used; making an appropriation thereto, and amending section 4-A, chapter 74, Laws of 1911, as enacted by chapter 16, Laws of 1943.

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

SECTION 1. That section 4-A, chapter 74, Laws of 1911, as enacted by chapter 16, Laws of 1943, be amended to read as follows:

Computation of award for second injury.

Section 4-A. Whenever a workman has sustained a previous bodily infirmity or disability from any previous injury or disease, and shall suffer a further injury or disease in employment covered by this act, and become totally and permanently disabled from the combined effects thereof, then the accident cost rate of the employer at the time of said further injury or disease shall only be charged with the accident cost which would have resulted solely from said further injury or disease had there been no pre-existing disability and which accident cost shall be based upon the experience of the department in similar injuries or diseases. The difference between the charge thus assessed to the employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second-injury fund.

SEC. 2. There is hereby created a special fund to be known as the "Second-injury Fund" which shall be used only for the purpose of defraying charges assessed against it as provided in section 1. There is hereby appropriated to such fund from the Accident Fund, for the fiscal biennium ending March 31, 1947, the sum of five hundred thousand (\$500,000.00) dollars or so much thereof as shall be necessary.

Second
injury
fund.

Appropriation.

Passed the Senate February 15, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 220.

[S. B. 256.]

TUBERCULOSIS HOSPITALS.

AN ACT providing state aid for counties for constructing, altering, adding to and equipping tuberculosis hospitals; providing for the appointment of a State Tuberculosis Building Commission; defining its powers and duties; and appropriating funds for the purposes of this act.

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

SECTION 1. In order to provide the additional hospital beds, equipment and other facilities necessary for the adequate care of tuberculosis patients needing hospitalization, state aid to counties to assist in such building program is necessary. In order to effectively carry out the purposes of this act, there shall be appointed by the Governor, within thirty (30) days from the effective date of this act, a State Tuberculosis Building Commission of seven (7) members who shall hold office at the pleasure of the Governor, composed of one public spirited citizen selected from each congressional district, not more than two (2) of whom may be physicians, and the State Director of Health.

Tuberculosis
Building
Commission.

Members.

Vacancies.

SEC. 2. In the event of a vacancy due to death, illness, resignation, or other cause, the Governor shall fill such vacancy. Members shall receive no compensation for their services, but shall receive their necessary and actual traveling and other expenses, to be paid from funds appropriated under this act upon vouchers signed by the chairman and the secretary of the Commission.

Expenses.

Powers and duties.

SEC. 3. Within thirty (30) days following appointment, the Commission shall meet in the office of the State Director of Health and organize, and elect a chairman. The State Director of Health shall be the secretary of the Commission. After the organization is effected, the Commission shall proceed to the consideration of the tuberculosis hospital needs of the state, and the necessity for construction in the various areas of the state to meet such needs. The Commission shall entertain requests for the expansion of existing tuberculosis hospitals, or for the establishments of additional hospitals, when submitted by the governing body of any county or joint county, and the Commission shall decide upon the merits of such requests after due consideration and study of the needs of the county or joint county requesting aid, the tuberculosis morbidity and mortality of the area, the location and value of the physical plants of existing hospitals, the financial ability of the county or joint county to participate in the building program, as well as present and future population trends.

Plans for building.

SEC. 4. The governing body or bodies of any county or joint county requesting state funds shall submit a plan stating the amount of county funds available for the building program. Approval of any request shall be by the vote of at least two-thirds ($\frac{2}{3}$) of all the members of the Commission. In the event of the denial of a request for a building program, the Commission shall communicate such

action in writing to the governing body, or bodies, with its reasons for such denial.

SEC. 5. Upon granting a request, the Commission shall fix the amount of aid to be given and shall, from moneys appropriated under this act, allocate to the county or joint county making the request the amount of aid so granted.

Amount
of aid
fixed.

Payment from such allocated funds shall be authorized only after county funds appropriated for the building program shall have been expended and shall be made by warrant of the State Auditor in favor of such county or joint county upon vouchers approved by the Commission and signed by the chairman and secretary thereof.

Payment
of aid.

SEC. 6. In the formulation of building plans and in construction the Commission and the county or joint county involved shall be entitled to consult and advise with any state department. All construction, alteration of or additions to hospitals under this act shall be the responsibility of the county or joint county whose requests and contracts for buildings and equipment shall have been approved by the Commission.

Approval
of plans.

No tuberculosis hospital built or expanded under the provisions of this act shall have fewer than one hundred (100) beds.

100 bed
minimum.

SEC. 7. For the purposes of this act there is hereby appropriated from the General Fund of the state, the sum of three million dollars (\$3,000,000): *Provided*, That two million dollars (\$2,000,000) herein appropriated shall only be expended in conjunction with funds allotted or to be allotted by the Federal Government, county or municipal government for the construction, altering or adding to and equipping tuberculosis hospitals.

Appropriation.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 221.

[S. B. 305.]

POST WAR PROGRAM FOR PUBLIC HIGHWAYS.

AN ACT relating to post war program for public highways; making appropriations therefor from the Motor Vehicle Fund and the Highway Equipment Fund; providing for post war expenditures upon Governor's approval; and providing that certain expenditures may be made prior to the post war period.

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

Postwar
highway
program.

SECTION 1. The following appropriations are made and they shall be expended only after the termination of the existing war emergency upon written authority of the Governor: *Provided, however,* That expenditures may be made from the applicable appropriation prior to the termination of the war emergency for the location, preparation of plans and purchase of rights of way for post war construction projects and for the matching on any Federal allotments of funds to improve state highway facilities, for which priorities of materials, equipment and manpower may be granted.

Appropriation for
Federal Aid
roads.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of fifteen million dollars (\$15,000,000), as a revolving fund to be expended under specific project agreements executed or to be executed under the provisions of Federal Aid Road Acts and the state act assenting thereto, and for any other expenditure of any kind by the Department of Highways for which reimbursement is anticipated.

SEC. 3. There is hereby appropriated from the Highway Equipment Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the

sum of four hundred eight thousand three hundred fifty dollars (\$408,350), to continue the Highway Equipment Revolving Fund and for proper expenditures therefrom.

Equipment fund.

SEC. 4. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of twelve thousand six hundred twenty dollars (\$12,620), to be expended for the purpose of examining the expenditures of state aid monies allotted to incorporated cities and towns and to counties.

Expenditures of cities and counties examined.

SEC. 5. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of thirty thousand dollars (\$30,000), to be expended for non-reimbursable items on Federal aid cooperative projects, including flight strip projects, access road projects and Federal aid projects on the route of a street or highway not forming a part of the state highway system.

Flight strips on access roads.

SEC. 6. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1947, for salaries, wages and operations of the office of the Director of Highways and/or district offices of the Department of Highways in connection with the expenditure of Federal funds allocated or to be allocated to the State of Washington for construction, reconstruction and/or improvement of city streets, county roads and state highways, the sum of two hundred seventy thousand dollars (\$270,000), or as much thereof as may be necessary, but in no event to exceed one and one-half (1½%) of such Federal funds allotted to the State of Washington.

Salaries, wages and operations.

SEC. 7. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways

Purposes
not
specifically
set forth.

to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of ten million two hundred fifty-one thousand five hundred twenty-five dollars (\$10,251,525), to be expended as may be necessary to secure participation of Federal funds and for any and all other proper state highway purposes not specifically set forth in the preceding sections of this act.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 222.

[S. B. 320.]

MINE TO MARKET ROADS.

AN ACT relating to public highways and the establishment, location, construction and maintenance of mine to market roads and trails; and amending section 2, chapter 175, Laws of 1939 (section 6450-25b, Remington's Revised Statutes, also Pierce's Perpetual Code 615-3), section 3, chapter 175, Laws of 1939, as amended by section 1, chapter 146, Laws of 1943 (section 6450-25c, Rem. Supp. 1943, also Pierce's Perpetual Code 615-5), section 4, chapter 175, Laws of 1939, as amended by section 2, chapter 146, Laws of 1943 (section 6450-25d, Rem. Supp. 1943, also Pierce's Perpetual Code 615-7), section 5, chapter 175, Laws of 1939, as amended by section 3, chapter 146, Laws of 1943 (section 6450-25e, Rem. Supp. 1943, also Pierce's Perpetual Code 615-9), section 6, chapter 175, Laws of 1939, as amended by section 4, chapter 146, Laws of 1943 (section 6450-25f, Rem. Supp. 1943, also Pierce's Perpetual Code 615-11), and section 7, chapter 175, Laws of 1939 (section 6450-25g, Remington's Revised Statutes, also Pierce's Perpetual Code 615-13); creating a fund and appropriating money.

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

Amend-
ment.

SECTION 1. Section 2, chapter 175, Laws of 1939 (section 6450-25b, Remington's Revised Statutes, also Pierce's Perpetual Code 615-3), is amended to read as follows:

Section 2. For the purposes of this act a mine to market road shall be any public highway or any public trail established, located and constructed to locations of mineral deposits and of existing or potential mineral development: *Provided*, That the standard of construction upon any such mine to market road or trail shall be determined by the Mine to Market Road Commission. Definition.

SEC. 2. Section 3, chapter 175, Laws of 1939, as amended by section 1, chapter 146, Laws of 1943 (section 6450-25c, Rem. Supp. 1943, also Pierce's Perpetual Code 615-5), is amended to read as follows: Amendment.

Section 3. A written petition for the designation and establishment of a mine to market road or trail may be presented to the Board of County Commissioners of the county wherein such road is to be established or to the respective Boards of County Commissioners wherein such road is to be established if the same extends into or through two or more counties, by five (5) or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road or trail. Petition for mine to market road.

SEC. 3. Section 4, chapter 175, Laws of 1939, as amended by section 2, chapter 146, Laws of 1943 (section 6450-25d, Rem. Supp. 1943, also Pierce's Perpetual Code 615-7), is amended to read as follows: Amendment.

Section 4. No mine to market road or trail shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for and such petition shall have been approved by the Board of County Commissioners of the county wherein such proposed road is situated

or by the respective Boards of County Commissioners if said road or trail extends into more than one county, and such petition, by such board or boards, shall have been forwarded to the Mines to Market Roads Commission. The Commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said Commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road or trail and as to the value of such mine to market road or trail to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road or trail. The results of such independent investigations by the two directors shall be considered by the Commission, and if the Commission finds that the facts indicate that the proposed mine to market road or trail is not feasible the petition shall be then dismissed with notification accordingly in writing by the Commission forwarded to the Board or Boards of County Commissioners that previously approved such petition; but when the Commission finds that the investigations show feasibility and advisability the Commission shall find and determine that said mine to market road or trail is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter provided and the Commission shall accordingly in writing notify the Board

Commission shall pass on road petition.

Dismissal of application.

or Boards of County Commissioners that shall have previously approved the petition: *Provided*, That in thus establishing a mine to market road or trail the Commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition. Approval.

SEC. 4. Section 5, chapter 175, Laws of 1939, as amended by section 3, chapter 146, Laws of 1943 (section 6450-25e, Rem. Supp. 1943, also Pierce's Perpetual Code 615-9, is amended to read as follows: Amendment.

Section 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads and trails providing access to such mineral areas or centers of mining development as shall have been determined by the Commission. The Commission may, in its discretion, authorize such construction either by day labor or contract. The right of way for such road or trail shall be furnished by the county at its own expense. Construction of access roads.

SEC. 5. Section 6, chapter 175, Laws of 1939, as amended by section 4, chapter 146, Laws of 1943 (section 6450-25f, Rem. Supp. 1943, also Pierce's Perpetual Code 615-11), is amended to read as follows: Amendments.

Section 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road or trail, shall be expended by the Director of Highways for such purposes from the Mine to Market Road Fund hereinafter provided for. In the event that any funds are made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road or trail, such funds shall be received by the State Treasurer of the State of Washington and deposited by him in the Mine to Market Road Fund: *Provided*, That the Director of Highways and all officers, departments, boards or commissions Funds.

Federal
aid.

of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contributions shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road or trail, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of Mine to Market Road Fund for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road or trail, or that portion thereof for which such contribution was made.

Unexpended
balances.

Whenever, upon completion of a mine to market road or trail, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine [to] market road or trail the Commission shall submit its voucher to the State Auditor for the issuance of a warrant in favor of the donor against the Mine to Market Road Fund in the amount of such unexpended balance.

Donated
labor.

In the event that any private individual, firm, corporation or association desires to donate labor, machinery or equipment in aid of the location or construction of a mine to market road or trail the Director of Highways is authorized to accept and use the same.

Amend-
ment.

SEC. 6. Section 7, chapter 175, Laws of 1939 (section 6450-25g, Remington's Revised Statutes, also Pierce's Perpetual Code 615-13), is amended to read as follows:

Section 7. Upon the completion of the construction of any mine to market road or trail the Director of Highways shall certify to the Board of County Commissioners of the county in which such mine to market road or trail, or any portion thereof, is

located, that the same has been completed and such mine to market road or trail, or portion thereof in each such county shall then become and thereafter be a county road or trail of the county in which located, and shall thereafter be maintained, kept up, repaired and protected by such county in the same manner as all other county roads and from funds available for county road purposes in the county road fund.

Maintenance
by counties.

SEC. 7. There is hereby created in the State Treasury a fund to be known as the Mine to Market Road Fund. All funds coming into the hands of the State Treasurer and directed to be deposited in the Mine to Market Road Fund shall be deposited in the State Treasury to the credit of the Mine to Market Road Fund and expended therefrom as by appropriation provided.

Mine to
Market
Road Fund.

SEC. 8. There is hereby appropriated from the Motor Vehicle Fund the sum of three hundred thousand dollars (\$300,000) to the Mine to Market Road Fund for the location, establishment and construction of mine to market roads and trails, which sum shall be contributed in the following manner: Seventy-five per cent (75%) from that portion of the net tax amount remaining in the Motor Vehicle Fund after credit has been made to the incorporated cities and towns and to the counties, and twenty-five per cent (25%) from that portion of the net tax amount in the Motor Vehicle Fund credited to counties, the said twenty-five per cent (25%) of the county's share of the net tax amount in the Motor Vehicle Fund to be set aside for their Mine to Market Road Fund as soon as such an amount has been accumulated and before any monthly disbursements are made to the counties from the county's share of the Motor Vehicle Fund.

Appropriation.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 223.

[S. B. 342.]

REPAIRS TO OLD CAPITOL BUILDING.

AN ACT authorizing the State Capitol Committee to make major repairs to the Old Capitol Building; making an appropriation; and declaring an emergency.

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

Repairs to Old Capitol Building.

SECTION 1. The State Capitol Committee is hereby authorized and empowered to make certain major repairs to the Old Capitol Building, including repairs and reconditioning of the entire first floor and overhauling the old senate chamber so as to make a number of modern air-conditioned office rooms out of the space now occupied by said chamber, and generally, to make such repairs and modernization of said Old Capitol Building as will make said building more efficient for use of state departments.

Appropriation.

SEC. 2. There is hereby appropriated to the State Capitol Committee, from moneys in the General Fund not otherwise appropriated, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Effective immediately.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect on April 1, 1945.

Passed the Senate March 2, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 224.

[S. B. 333.]

WHARVES AND DOCKS ON HOLMAN WATERWAY,
ILWACO.

AN ACT granting to P. J. McGowan & Sons, a corporation, its successors and assigns, certain rights and privileges in the east portion of the Holman waterway of the Columbia river; and declaring an emergency.

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

SECTION 1. P. J. McGowan & Sons, a corporation, its successors and assigns, are hereby granted an extension of all rights and privileges granted by section 1, chapter 106, Laws of 1903, and extended by section 1, chapter 91, Laws of 1931, for a period of ten (10) years from March 31, 1943, 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 said waterway fourteen hundred (1400) feet southerly from the point of the intersection of the United States government meander line and east line of said waterway and extending toward the inner harbor line, according to the official plat of the tide lands and inner harbor lines 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 of the operations necessary in the catching, canning, packing and preserving salmon and other fish and food products; and the exercise of said rights and privileges and the use of said premises for the purposes described in said prior acts are hereby validated and confirmed.

Extension
of rights on
Holman
Waterway.

Use
restricted.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

Effective
immediately.

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

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 225.

[S. B. 343.]

PUBLIC HIGHWAY APPROPRIATIONS.

AN Act relating to public highways; making appropriations therefor from the Motor Vehicle and Highway Equipment Funds; declaring an emergency and that this act shall take effect April 1, 1945.

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

Appropriation for Federal Aid roads.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of ten million dollars (\$10,000,000), as a revolving fund to be expended under specific project agreements executed or to be executed under the provisions of Federal Aid Road Acts and the state act assenting thereto, and for any other expenditure of any kind by the Department of Highways for which reimbursement is anticipated.

Appropriation for Highway Equipment Fund.

SEC. 2. There is hereby appropriated from the Highway Equipment Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, and for obligations incurred in previous bienniums but not yet paid, the sum of two million nine hundred seventy-nine thousand five hundred sixty dollars (\$2,979,560), to continue the Highway Equipment Revolving Fund and for proper expenditures therefrom.

SEC. 3. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of seventy-seven thousand five hundred twenty-five dollars (\$77,525), to be expended for the purpose of examining the expenditures of state aid monies allotted to incorporated cities and towns and to counties.

Examina-
tion of City-
County
expendi-
tures.

SEC. 4. There is hereby appropriated from the Motor Vehicle Fund to incorporated cities and towns for the biennium ending March 31, 1947, the sum of five million seven hundred seventy thousand five hundred dollars (\$5,770,500), or as much thereof as shall become available, to be paid out and expended in the manner provided by law.

Appropriation for
cities and
towns.

SEC. 5. There is hereby appropriated from the Motor Vehicle Fund to the various counties of the state, including the counties composed entirely of islands, for the biennium ending March 31, 1947, the sum of fifteen million nine hundred sixty-four thousand dollars (\$15,964,000), or as much thereof as shall become available, to be paid out and expended in the manner provided by law.

Counties.

SEC. 6. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of twenty thousand dollars (\$20,000), to be expended for non-reimbursable items on Federal aid cooperative projects, including flight strip projects, access road projects and Federal aid projects on the route of a street or highway not forming a part of the state highway system.

Non-reim-
bursable
items.

SEC. 7. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of fifty-one thousand dollars (\$51,000), for the maintenance and

Historical
Road No. 1.

improvement of State Historical Road No. 1, established under chapter 225, Laws of 1941, outside of the corporate limits of Tacoma and Puyallup.

Purposes not specifically set forth.

SEC. 8. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1947, and for obligations incurred in previous bienniums, but not yet paid, the sum of twenty-one million nine hundred forty-eight thousand four hundred seventy-five dollars (\$21,948,475), to be expended as may be necessary to secure participation of Federal funds and for any and all other proper state highway purposes not specifically set forth in the preceding sections of this act.

Effective immediately.

SEC. 9. 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 April 1, 1945.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 226.

[H. B. 79.]

HIGHWAY ACROSS CASCADE MOUNTAINS.

AN ACT providing for reconnaissance, preliminary and location surveys for a primary state highway from the vicinity of Marblemount, Skagit County, across the Cascade Mountains to connect with Primary State Highway No. 16 in Okanogan County, and making an appropriation therefor.

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

SECTION 1. The Director of Highways is hereby authorized and directed to make reconnaissance, preliminary and location surveys from a point in the vicinity of Marblemount in Skagit County, thence proceeding across the Cascade Mountains to a junction with Primary State Highway No. 16, in Okanogan County. The Director of Highways shall submit a report, maps and all other pertinent data concerning such reconnaissance, preliminary and location surveys, together with his conclusions and recommendations as to the feasibility of the route, to the Legislature of the State of Washington at its next regular session.

Survey of
highway
across
Cascades.

SEC. 2. In order to carry out the provisions of the foregoing section of this act, and to pay all of the costs of said reconnaissance, preliminary and location surveys, there is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, to accomplish the purposes above set forth.

Appropriation.

Passed the House February 1, 1945.

Passed the Senate March 4, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 227.

[H. B. 212.]

RELIEF OF BONDHOLDERS OF LOCAL IMPROVEMENT DISTRICT NO. 118, CITY OF PORT ANGELES.

AN ACT providing for the relief of the bondholders of Local Improvement District No. 118 of the City of Port Angeles; providing for the payment of assessments levied against state owned lands lying within said district; making an appropriation therefor, and declaring an emergency.

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

Appropriation for L. I. D. in Port Angeles.

SECTION 1. There is hereby appropriated out of the General Fund the sum of three thousand six hundred fifty and 70/100 dollars (\$3,650.70) for the purpose of paying the unpaid assessments in Local Improvement District No. 118 of the City of Port Angeles, which were levied against the harbor area owned by the State of Washington and lying within said district.

Effective immediately.

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 public institutions and shall take effect immediately.

Passed the House February 13, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 228.

[H. B. 25.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks and amending sections 3a, 18, 19 and 20 of, and adding section 20a to, chapter 74, Laws of 1929 and amending section 18, chapter 175, Laws of 1915.

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

SECTION 1. That section 3a, chapter 74, Laws of 1929, added thereto by section 1, chapter 10, Laws of 1935, and as amended by section 6, chapter 15, Laws of 1941 (section 3381-3a, Remington's Revised Statutes, also Pierce's Perpetual Code 312-7), be amended to read as follows: Amendment.

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

(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.

(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.

(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.

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

(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.

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

Investments
of mutual
savings
banks.

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), (e), and (f).

SEC. 2. That section 18, chapter 74, Laws of 1929 (section 3381-18, Remington's Revised Statutes, also Pierce's Perpetual Code 312-41), be amended to read as follows:

Section 18. A mutual savings bank may invest its funds in promissory notes payable to the order of the savings bank, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by a savings bank, or secured by pledge or assignment of one or more real estate mortgages of the class described in sections 20 and 21 of this act, but no such loan shall exceed ninety per centum of the cash market value of such securities so pledged. Should any of the securities so held in pledge depreciate in value after the making of such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety per cent of the market value of the securities so pledged for such loan.

SEC. 3. That section 19, chapter 74, Laws of 1929 (section 3381-19, Remington's Revised Statutes, also Pierce's Perpetual Code 312-43), be amended to read as follows:

Section 19. A mutual savings bank may invest its funds in promissory notes made payable to the order of the savings bank, secured by the pledge and assignment of the passbook of the mutual savings bank as collateral security for the payment thereof. No such loan shall exceed the balance due the holder of such passbook as shown therein.

Investments
of mutual
savings
banks.

SEC. 4. That section 20, chapter 74, Laws of 1929, as amended by section 13, chapter 95, Laws of 1937 (section 3381-20, Remington's Revised Statutes, also Pierce's Perpetual Code 312-45), be amended to read as follows:

Section 20. A mutual savings bank may invest not to exceed seventy per cent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

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

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

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

(b) A policy of title insurance; or

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

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value

thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses.

Investments
of mutual
savings
banks.

No loan on real estate shall be for an amount greater than sixty per cent of the value of such real estate, including improvements, except that in the case of property improved with a single family occupancy detached dwelling not more than fifteen years old, such loan may be for an amount not greater than two-thirds of the value of such real estate, including improvements, or if such dwelling is not more than two years old and is occupied by the owner, such loan may be for an amount not greater than eighty per cent of the first ten thousand dollars of value and fifty per cent of the remainder of the value of such real estate, including improvements; and in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall not be more than eighty per cent of the cash surrender value of such assigned life insurance.

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

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be deposited with the savings bank and to be payable to it in event of loss: *Provided, however,*

That the savings bank may, at its option, forego insurance in either of the following cases:

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

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.

Investments
of mutual
savings
banks.

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

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

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

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all 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 assessments and the amount of the loan does not exceed the limits herein specified.

Amendments.

SEC. 5. That chapter 74, Laws of 1929, be amended by adding thereto a new section to be known as section 20a (section 3381-20a of Remington's Revised Statutes, also Pierce's Perpetual Code 312-46), to read as follows:

Contracts
for the sale
of real estate.

Section 20a. A mutual savings bank may invest not to exceed fifteen per cent of its funds in contracts for the sale of real estate subject to the following restrictions:

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

(b) That the property subject to the contract be such as would be eligible, and that the balance owing thereon be no greater and be payable within the times prescribed, under section 20 for a mortgage loan secured by the property;

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

SEC. 6. That section 18, chapter 175, Laws of 1915, as amended by section 3, chapter 156, Laws of 1921 (section 3347, Remington's Revised Statutes, also Pierce's Perpetual Code 316-43), be amended to read as follows:

Regulations
of mutual
savings
banks.

Section 18. The sums deposited with any such bank, together with any dividends credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this and the next following section. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such

rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

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

Rules and regulations of mutual savings banks.

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

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

(4) If any person shall die leaving in any such bank an account on which the balance due him shall not exceed \$500.00 and no executor or administrator of his estate shall be appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may

require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment shall have been made within six months after the decedent's death, and an action to recover the amount shall have been commenced within six months after the date of payment.

Passed the House March 5, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 229.

[H. B. 56.]

BOUNTIES ON SEALS AND SEA LIONS.

AN ACT relating to fisheries; appropriating one hundred thousand dollars (\$100,000) for payment of bounties for killing seals and sea lions in the waters of the State of Washington; and defining crimes.

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

SECTION 1. There is hereby appropriated from the General Fund of the State of Washington, not otherwise appropriated, the sum of one hundred thousand dollars (\$100,000) to be expended by the Director of Fisheries in paying bounties for killing or causing to be killed, common seals and sea lions caught in the waters of the State of Washington pursuant to the provisions of section 8, chapter 180, Laws of 1921.

SEC. 2. Any person who shall knowingly receive, or attempt to receive, any bounty for the killing of

Appropriation for bounties on sea lions and seals.

any common seal or sea lion not caught in the waters of the State of Washington, shall be guilty of a misdemeanor. Penalty.

Passed the House February 8, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 230.

[H. B. 76.]

PROPOSED CASCADE TUNNEL.

AN ACT providing for the survey and study of a low level tunnel for travel through the Cascade Mountains connecting the eastern and western parts of the state, by the Washington Toll Bridge Authority, making an appropriation, and declaring an emergency.

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

SECTION 1. The Washington Toll Bridge Authority is hereby empowered to make a survey and study of the feasibility of constructing a low level tunnel with low gradient approaches through the Cascade Mountains at suitable places for railway, vehicular and other travel and for carrying electric transmission lines and all other highway accessories, and shall estimate its cost, and probable earning capacity. It shall employ engineers and other technical and clerical help and shall purchase supplies and materials essential to the survey. The authority, if it deems it advisable, shall apply to the United States Government, or any of its departments or agencies for military, financial, or technical assistance. When the survey is completed, the authority shall submit its report together with its recommendation to the Governor of the State of Washington for transmission to the legislature convening in 1947.

Toll Bridge
Authority
survey of
Cascade
tunnel.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund of the state, the sum of one

Appropriation.

hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the purposes of this act.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and in support of the state government and its existing institutions, and shall take effect immediately.

Passed the House February 8, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 231.

[H. B. 234.]

CENSUS--ALLOCATION OF STATE FUNDS.

AN ACT relating to cities and towns and the State funds and monies allocated and paid to them; prescribing the method for determining the population basis for such allocations; making appropriations; and declaring that this act shall take effect immediately.

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

Census for allocation of state funds.

SECTION 1. Whenever the cities and towns of the state are under law allocated or entitled to be paid any state funds or state monies from any source, and the allocation is required to be made on the basis of population, on and after the 1st day of April, 1945, the allocation shall be made on the population of the respective cities and towns and the aggregate population of the cities and towns fixed by the State Census Board hereinafter created: *Provided*, That in determining population of cities and towns for such allocation purposes no city or town shall be included in the population basis at a lower population than shown by the 1940 Federal Census, or if the city or town was incorporated after that census was taken, at a lower population basis than that of its incorporation population.

SEC. 2. The State Census Board shall consist of three (3) members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof, one a member of the faculty of the Washington State College, appointed by the president thereof, and one member to be appointed by the Governor. The Board shall elect a chairman, and shall be entitled to employ such clerical assistance as is necessary in the performance of its duties. A member of the committee who receives no public salary shall be paid a per diem of ten dollars (\$10) per day for each day spent in the performance of his duties. All members shall be reimbursed for necessary traveling expenses. Expenditures herein authorized shall be made upon vouchers approved by the chairman of the Board and shall be paid out of any funds allocated to cities and towns under chapter 144, Laws of 1943, and before any payments are made to cities and towns under said act. That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated from the Motor Vehicle Excise Fund for paying per diem expenses and other expenditures herein authorized.

State Census Board.

Expenses.

Appropriation.

SEC. 3. It shall be the duty of the State Census Board to fix the population of every city and town of the state as of February 1, 1945, subject to the proviso in section one with respect to the 1940 Federal Census.

Duties.

SEC. 4. This act shall remain in force and effect until April 1, 1947, and no longer, after which existing laws with respect to allocations shall apply.

Act effective until April 1, 1947.

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

Effective immediately.

Passed the House February 21, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 232.

[H. B. 245.]

PUBLIC LIBRARIES.

AN ACT relating to education through enlarged and equalized public library services and facilities; making an appropriation therefor; and declaring that this act shall take effect April 1, 1945.

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

Surveys of public library needs.

SECTION 1. In order to provide, expand, enlarge and equalize public library facilities and services and thereby promote and stimulate interest in reading throughout the entire state, the State Library Commission shall, from time to time, make studies and surveys of public library needs and adopt rules and regulations for the allocation of money to public libraries to be expended on vouchers approved by the Commission.

Appropriation.

SEC. 2. There is appropriated from the General Fund the sum of two hundred eighty-three thousand dollars (\$283,000) to carry out the purposes of this act: *Provided*, That the Commission may expend not to exceed five (5) per centum thereof for expenses in administering this act: *And provided further*, That the Commission may by resolution designate and authorize certain of its members to approve vouchers for the costs and expenses of administering this act.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect April 1, 1945.

Passed the House March 6, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 233.

[H. B. 276.]

CODE COMMISSION.

AN ACT relating to the compilation and codification of the statutory laws of the state, amending section 5, chapter 149, Laws of 1941, as amended by section 1, chapter 252, Laws of 1943, amending section 5, chapter 252, Laws of 1943, making an appropriation, and declaring an emergency.

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

SECTION 1. Section 5, chapter 149, Laws of 1941, as amended by section 1, chapter 252, Laws of 1943 (section 152-40, Remington's Revised Statutes, 1943 Supplement, also Pierce's Perpetual Code 430-9), is amended to read as follows: Amendment.

Section 5. The Committee shall be a continuing Code Committee with full power of codification of the laws above referred to, and shall have the power and duty to assign code numbers to such general laws as shall hereafter be passed at any legislative session; and the said Committee shall certify to the Secretary of State the numbers given to the sections which the Committee has determined shall be incorporated in such code. In addition, the Committee shall propose and submit to the Legislature changes and revisions of the above referred to laws, and shall submit by mail at least ninety (90) days prior to the opening of the 1947 legislative session, a copy of the proposed code and a copy of all such proposed changes and revisions to each and every judge of the Supreme Court and the Superior Courts of the State of Washington, to each member of the Legislature elected for the 1947 session, to the State Bar Association and to the various local bar associations of every county or city in the State of Washington, and to the various prosecuting attorneys of the State of Washington. Continuing
code
committee. Recom-
mendations. Copies of
proposals
distributed.

Amendment.

SEC. 2. Section 5, chapter 252, Laws of 1943 (section 152-44, Remington's Revised Statutes, also Pierce's Perpetual Code 430-17), which should have been designated as section 9, is hereby amended and designated as section 9, and as so amended shall read as follows:

Duties of county officials.

Section 9. The said Committee, as part of its activities, in collaboration with a committee of county officials (to be appointed by the Governor for that purpose, and the services of whom on such Committee are hereby declared to be official county business), shall cause to be prepared a compilation of all the constitutional and statutory provisions with respect to counties and county officers together with recommendations as to any revisions, amendments and additions which in the judgment of the Committee should be made to existing statutory provisions with respect to counties and county officers. Said constitutional provisions, together with the statutory provisions in substance and form as recommended by said Committee shall be submitted to the 1947 Legislature in such form that the Legislature upon adoption thereof may cause the same to be printed in pamphlet form for the use of various county officials.

Appropriation.

SEC. 3. There is hereby appropriated out of any money in the general fund not otherwise appropriated the sum of sixty thousand dollars (\$60,000) or so much thereof as may be necessary, to be used in carrying out the provisions of this act in chapter 149, Laws of 1941, as amended by chapter 252, Laws of 1943.

Effective immediately.

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 immediately.

Passed the House February 26, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 234.

[H. B. 504.]

REVISION OF STATE ACCOUNTING SYSTEM.

AN ACT relating to state government; providing for revision of the accounting system presently being used by state agencies; defining the powers and duties of certain state officers in connection therewith; making an appropriation, and declaring that this act shall take effect April 1, 1945.

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

SECTION 1. It shall be the duty of the Governor, the State Auditor and the Director of Finance, Budget and Business, acting ex officio in the capacity of an Accounting Revision Committee to initiate, supervise and carry through to completion a thorough study and analysis of the accounting system or systems presently being used by the various state offices, departments, commissions, institutions and other agencies and to install a new and revised uniform system based upon the results of such studies and analysis. The Committee shall have power to employ a competent, qualified public accountant to serve as chief reviser who shall have general charge and supervision of the necessary studies and analyses and perform such other duties as may be prescribed by the Committee. It shall be the duty of the chief reviser to make all the necessary surveys of the present accounting records, to make the analyses prerequisite to a proper understanding of the accounting requirements of the various state offices, departments, commissions, institutions and other

Accounting
Revision
Committee.

Powers and
duties.

Chief reviser. agencies, and to devise and supervise, subject to the approval of the Revision Committee, the installation of a modern and adequate system of accounting. The chief reviser shall receive such compensation as may be fixed by the Committee. He shall have power, with the approval of the Committee, to employ such qualified accountants and other assistants as may be necessary to the performance of his duties. The Revision Committee shall organize and proceed with its work as soon as possible after April 1, 1945.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, there is hereby appropriated to the Revision Committee from the general fund for the fiscal biennium ending March 31, 1947, the sum of seventy-five thousand dollars (\$75,000), or as much thereof as may be necessary.

Effective immediately.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions, and shall take effect April 1, 1945.

Passed the House March 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 235.

[H. B. 21.]

REGULATION OF SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to the organization, management, and supervision of savings and loan associations; defining their powers; regulating savings and dividends; requiring certain liquidity; limiting their investments; providing for license fees and taxes; fixing liability for malfeasance in office; defining certain crimes; defining the powers and duties of the supervisor; providing for emergencies, segregation, dissolution, and liquidation; defining certain terms; providing for the conversion of domestic associations into Federal savings and loan associations; permitting the conversion of Federal savings and loan associations into domestic associations; and repealing chapter 183, Laws of 1933, as amended, and chapter 15, Laws of 1933, Extraordinary Session, (sections 3717-1 to 3717-112, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 453-1 to -223).

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

SECTION 1. This act shall be known as the "Savings and Loan Association Act of 1945." Title.

SEC. 2. No person or persons shall organize as, carry on or conduct the business of a savings and loan association except in conformity with the terms and provisions of this act. No person shall do or transact the business of or as a savings and loan association, or use in name or advertising any collocation of the words "savings," "loan," "association," "society," or "federal" unless incorporated hereunder or as a savings and loan association under the laws of the United States. Use of name restricted.

SEC. 3. Seven or more persons, citizens of the United States and resident in this state, at least two-thirds of whom shall be residents of the county in which the association is to have its principal place of business, may form a savings and loan association under this act. Membership of association.

Contents of
articles of
incorpora-
tion.

SEC. 4. Such persons shall subscribe and acknowledge articles of incorporation in quadruplicate, which articles shall specifically state:

- (a) The name of the association, which shall include the words "Savings and Loan Association";
- (b) The city or town and county in which it is to have its principal place of business;
- (c) The name, occupation, and place of residence of each incorporator;
- (d) Its purposes;
- (e) Its duration, which may be for a stated number of years or perpetual;
- (f) The amount of paid-in savings with which the association will commence business;
- (g) The first directors (not less than seven), with their respective occupations and post office addresses.

The articles of incorporation may contain any other provisions consistent with the laws of this state and the provisions of this act pertaining to the association's business or the conduct of its affairs.

Contents of
bylaws.

SEC. 5. The incorporators shall prepare, in duplicate, bylaws for the government of the association, which shall contain provisions:

- (a) Naming the offices of the association and the respective duties thereto assigned;
- (b) Making any desired regulations for the conduct of the business of the association;
- (c) Pertaining to any other matters deemed necessary or expedient.

Such bylaws must conform in all respects to the provisions of this act and the laws of this state.

Copies to
supervisor.

SEC. 6. The incorporators shall deliver to the Supervisor of Savings and Loan Associations the quadruplicate originals of the articles of incorporation and the duplicate copies of its proposed bylaws.

SEC. 7. Upon receipt of such articles of incorporation and bylaws, the Supervisor shall proceed

to determine, from all sources of information and by such investigation as he may deem necessary, whether the proposed articles and bylaws comply with all requirements of law, and whether the incorporators and directors possess the qualifications required by this act, and whether the incorporators have available for the operation of such business at the specified location sufficient cash assets, exclusive of the contingent fund, and whether the general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purposes of this act, and whether the public convenience and advantage will be promoted by allowing such association to be incorporated and engage in business in the community indicated, and whether the population and industry of the neighborhood and the surrounding country afford reasonable promise of adequate support for the proposed association. For the purpose of this investigation and determination, the incorporators, when delivering the articles and bylaws to the Supervisor, shall deliver to the Supervisor the sum of one hundred dollars (\$100), by certified check payable to the State Treasurer, to cover the expense of such investigation and determination.

Powers and duties of supervisor over incorporations.

SEC. 8. The Supervisor, not later than sixty (60) days after receipt by him of said proposed articles of incorporation and bylaws shall endorse upon each copy of the articles of incorporation and bylaws the word "Approved" or the word "Refused" and the date of such endorsement. In case of refusal, he shall forthwith return one copy of the proposed articles and bylaws to the proposed incorporators, and such refusal shall be conclusive and final unless the incorporators, or a majority of them, within thirty (30) days after such refusal, shall

Approval or rejection.

appeal to the Superior Court of Thurston County. Such appeal may be accomplished by the incorporators preparing a notice of appeal, serving a copy of the same upon the Supervisor, and filing the notice of appeal with the Clerk of said Court, whereupon the Clerk of the Court, under the direction of the Judge, shall give notice to the appellants and to the Supervisor of a date for the hearing of said appeal. Hearing upon such appeal shall be tried *de novo* by the Court. At such hearing a record shall be kept of the evidence adduced, and the decision of the Court shall be final unless an appeal therefrom shall be taken to the Supreme Court as in other cases.

Procedure
upon
approval.

SEC. 9. If the Supervisor shall approve the incorporation of said proposed corporation, he shall forthwith return three of said articles of incorporation and one of said bylaws to the incorporators, retaining the others as a part of the files of his office. The incorporators, thereupon, shall file one set of said articles with the Secretary of State and one set with the Auditor of the county in which it is to have its principal place of business and retain the other set of the articles of incorporation and the bylaws as a part of its minute records, paying to the Secretary of State and the County Auditor such fees and charges as are required by law. Upon receiving an original set of such approved articles of incorporation, duly endorsed by the Supervisor as herein provided, together with the required fees, the Secretary of State shall issue his certificate of incorporation and deliver the same to the incorporators, whereupon the corporate existence of the association shall begin. Unless an association whose articles of incorporation and bylaws have been approved by the Supervisor shall engage in business within one (1) year from the date of such approval, its right to engage in business shall be deemed revoked and of no effect.

Certificate
of incorpora-
tion.

SEC. 10. The members, at any meeting called for the purpose, may amend the articles of incorporation of the association. Such amended articles shall be filed with the Supervisor and be subject to the same procedure of approval, refusal, appeal, and filing with the Secretary of State and County Auditor as provided for the original articles of incorporation. Proposed amendments of the articles of incorporation shall be submitted to the Supervisor at least thirty (30) days prior to the meeting of the members.

Amendments
to articles.

SEC. 11. The bylaws adopted by the incorporators and approved by the Supervisor shall be the bylaws of the association. The members, at any meeting called for the purpose, may amend the bylaws of the association. Proposed amendments of the bylaws shall be submitted to the Supervisor at least thirty (30) days prior to the meeting of the members. Amendments of the bylaws shall not become effective until filed with and approved by the Supervisor.

Amendments
to bylaws.

SEC. 12. Each member having savings in an association shall have a proportionate proprietary interest in its assets or net earnings subordinate to the claims of its other creditors. Each borrower and each contract purchaser indebted to an association shall also be a member thereof but, as such, shall have no interest in its assets. At any meeting of the members of an association, each member shall be entitled to at least one vote. An association, by its bylaws, may provide that each savings member shall be entitled to one vote for each one hundred dollars (\$100) of his savings account. At any meeting of the members, voting may be in person or by proxy. Proxies shall be in writing and signed by the member and, when filed with the secretary, shall continue in force until revoked or superseded by subsequent proxies. At least thirty (30) days'

Members'
proportion-
ate prop-
rietary
interest.

Voting.

Proxies.

Annual
meeting.

written notice of the time and place of the holding of any meeting of the members, other than the stated annual meeting, shall be mailed to the last known address of each member. The stated annual meeting of the association shall be announced by publication of a notice thereof in a newspaper published in the city or town in which the association is located at least ten (10) days prior to the date of such meeting, or by ten (10) days' written notice to the members mailed to the last known address of each member. Meetings shall be held, however, to consider voluntary liquidation, merger with another association, conversion, segregation, charge-off of losses exceeding reserves, amendment of the articles of incorporation or of the bylaws, or for such other purposes as the board of directors may determine.

Expense
fund.

SEC. 13. Before any savings and loan association shall be authorized to receive savings or transact any business, its incorporators shall create an expense fund, in such amount as the Supervisor may determine, from which the expense of organizing such association and its operating expenses may be paid until such time as its earnings are sufficient to pay its operating expenses and the incorporators shall enter into an undertaking with the Supervisor to make such further contributions to the expense fund as may be necessary to pay its operating expenses until such time as it can pay them from its earnings.

Contingent
fund.

Before any savings and loan association shall be authorized to receive savings or transact any business, its incorporators shall create a contingent fund for the protection of its savings members against investment losses, in an amount to be determined by the Supervisor.

Such contingent fund shall consist of payments in cash made by the incorporators as herein provided and of all sums credited thereto from the earnings of the association as hereinafter required.

Prior to the liquidation of any association, such contingent fund shall not be encroached upon in any manner except for losses and for the repayment of contributions made by the incorporators.

No repayment of such contribution of incorporators shall be made until the net balance credited to the contingent fund from earnings of the association, after such repayment, shall equal five per cent (5%) of the amount due savings members.

Repayment
of contribu-
tions.

The incorporators may receive dividends upon the amount of their contributions to the contingent fund at the same rate as is paid, from time to time, to savings members.

Dividends.

The amounts contributed to the contingent fund by the incorporators shall not constitute a liability of the association except as hereinafter provided, and any loss sustained by the association in excess of that portion of the contingent fund created from earnings may be charged against such contributions pro rata.

SEC. 14. The business and affairs of every association shall be managed and controlled by a board of not less than seven (7) nor more than fifteen (15) directors, a majority of which shall not be officers or employees of the association. The persons designated in the articles of incorporation shall be the first directors.

Board of
directors.

Vacancies in the board of directors shall be filled by vote of the members at the annual meetings or at a special meeting called for the purpose.

Vacancies.

SEC. 15. The directors shall be members of the association, and a director shall cease to be such when he ceases to be a member.

The board of directors shall be chosen at the annual meeting, unless the bylaws of the association shall otherwise provide.

Qualifica-
tions.

A person shall not be a director of an association if he:

(a) Is not a resident of this state;
 (b) Has been adjudicated bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him for a sum of money to remain unsatisfied of record or unsuperseeded on appeal for a period of more than three (3) months; or

Qualifica-
 tions of
 directors.

(c) Is a director, officer, or employee of any other savings and loan association or a mutual savings bank. Existing associations shall comply with the restriction of this subsection within two years after approval of this act.

To be eligible to hold the position of director of an association, a person must be a member of the association, of full age, and must have savings in the sum of at least five hundred dollars (\$500) in an association the total savings accounts of which are less than one million dollars (\$1,000,000); in the sum of at least seven hundred fifty dollars (\$750) in an association the total savings accounts of which are more than one million dollars (\$1,000,000) and less than three million dollars (\$3,000,000); and in the sum of at least one thousand dollars (\$1,000) in an association the total savings accounts of which are more than three million dollars (\$3,000,000). Such minimum amount shall not be reduced either by withdrawal or by pledge for a loan or in any other manner, so long as he remains a director of the association.

Restrictions
 on directors.

SEC. 16. A director of a savings and loan association shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the association, except to receive dividends upon his contribution to the contingent fund and upon his savings account;

(b) Receive and retain, directly or indirectly, for his own use any commission on any loan, or purchase of real property or securities, made by the association;

(c) Become an endorser, surety, or guarantor, or in any manner an obligor, for any loan made by the association;

(d) For himself or as agent, partner, stockholder, or officer of another, directly or indirectly, borrow from the association, except as hereinafter provided, or become the owner of real property upon which the association holds a mortgage.

SEC. 17. If the Supervisor shall notify the board of directors of any association in writing, that he has information that any director, officer, or employee of such association is dishonest, reckless, or incompetent or is failing to perform any duty of his office, the board shall meet and consider such matter forthwith and the Supervisor shall have notice of the time and place of such meeting. If the board shall find the Supervisor's objection to be well founded, such director, officer, or employee shall be removed immediately.

Notification
of directors
incom-
petency.

SEC. 18. Every official communication by the Supervisor to any association shall be read at the next meeting of the board of directors and made a part of the minutes of such meeting.

Supervisors'
communica-
tions.

SEC. 19. Any director may be removed from office if he has become ineligible or if his conduct or habits are such as to reflect discredit upon the association or if other good cause exists, by an affirmative vote of two-thirds of the members of the board of directors at any regular meeting of the board or at any special meeting called for that purpose. No such vote upon removal of a director shall be taken until he has been advised of the reasons therefor and has had opportunity to submit to the board of directors his statement relative thereto, either oral or written. If the director affected is present at the meeting, he shall retire after his statement shall have been submitted and prior to the vote upon the matter of his removal.

Removal of
directors.

Directors'
fiduciary
relationship.

SEC. 20. Directors and officers of an association shall be deemed to stand in a fiduciary relation to the association and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary, prudent men would exercise under similar circumstances in like position.

Directors'
oath.

Each director named in the articles of incorporation shall take and subscribe to an oath in writing, before commencing to serve, that each will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the association and will not knowingly violate the laws of the State of Washington or the bylaws of the association in so doing; and each new director, before commencing to serve, shall take such oath. The oaths of the several directors shall be filed with and retained by the Supervisor.

Payment for
directors'
services
prohibited.

SEC. 21. The directors of an association shall not charge or receive, directly or indirectly, any pay or emolument for their services as directors. This provision shall not prevent reasonable compensation to officers of the association who are also directors, nor the payment of the reasonable compensation to directors for attendance upon meetings of the board, or for special services performed by directors for the board when the resolution directing such services shall stipulate and provide for such compensation.

Officers.

SEC. 22. The board of directors of the association shall elect the officers named in the bylaws of the association, which officers shall serve at the pleasure of the board, and shall approve, at the next monthly meeting, the naming of any employee and his compensation.

Monthly
meetings.

SEC. 23. The board of directors of each association shall hold a regular meeting at least once each month, at a time to be designated by it. Special meetings of the board of directors may be held upon

notice to each director sufficient to permit his attendance.

At any meeting of the board of directors, a majority of the members shall constitute a quorum for the transaction of business. Quorum.

The president or any three (3) members of the board may call a meeting of the board by giving notice to all of the directors. Notice of meetings.

SEC. 24. The board of directors, by resolution duly recorded in the minutes, shall designate an officer whose duty it shall be to prepare and submit, at each regular meeting of the board, a written statement of all the purchases and sale of real estate and securities, and of every loan or contract made or purchased since the last regular meeting of the board, describing the collateral securing such loan, which statement, certified by the designated officer to be correct as of the date of the meeting at which submitted, shall be considered by the board at such meeting and be filed as a part of the minute records. Statement of transactions.

SEC. 25. The board of directors, not later than at the regular meeting in January of each year, shall adopt a budget of expenses for the ensuing calendar year, which budget may be revised at any regular monthly meeting by a two-thirds vote of the entire board of directors. Budget of expenses.

The officers shall maintain the expenses of the association within the budget so adopted.

The secretary shall transmit forthwith to the Supervisor a copy of the budget, and of each amendment thereof, upon adoption. Copy to supervisor.

No association, in the course of any fiscal year, shall pay or become liable to pay, either directly or indirectly, for expenses of management and operation, more than two and one half per cent (2½%) of the first one million dollars (\$1,000,000) of its average assets and two per cent (2%) in excess thereof. Limit on expenses.

Depository.

SEC. 26. The board of directors, at least annually, shall designate the depository or depositories for funds of the association.

Statement of assets and liabilities.

SEC. 27. The board of directors shall cause to be prepared, from the books of the association, a statement of assets and of liabilities, as of June 30th and December 31st in each year, which statement shall be published on or before the 15th day of January and July of each year, in a newspaper of general circulation in the county where the principal office of the association is located.

The board shall also cause to be prepared, certified, and filed with the Supervisor, upon blanks to be furnished by him, such reports and statements as he, from time to time, may require.

Bonds for officers and employees.

SEC. 28. The board of directors of every association shall procure a bond or bonds, covering all of its officers, agents, or employees who have control of or access to cash or securities of the association, with duly qualified corporate surety authorized to do business in the State of Washington, conditioned that the surety will indemnify and save harmless the association against any and all loss or losses arising through the larceny, theft, embezzlement, or other fraudulent or dishonest act or acts of any such officer, agent, or employee. Such bond or bonds shall be in such amount, as to each of said officers or employees, as the directors shall deem advisable, and said bond or bonds shall be subject to the approval of the Supervisor and shall be filed with him. The board shall review such bond or bonds, at its regular meeting in January of each year, and by resolution determine such bond coverage for the ensuing year.

SEC. 29. An association shall have the capacity to act possessed by natural persons, but shall have authority to perform only such acts as are necessary

or proper to accomplish its purposes and which are not repugnant to law.

Subject to the restrictions and limitations of this act, every such association shall have authority:

Authority of
association.

(a) To have a corporate seal and to alter the same at pleasure;

(b) To continue as an association for the time limited in its articles of incorporation or, if no such time limit is specified, then perpetually;

(c) To sue or be sued in its corporate name;

(d) To acquire, hold, sell, dispose of, pledge, mortgage, or encumber property, as its interests and purposes may require;

(e) To conduct business in this state and elsewhere as may be permitted by law and, to this end, to comply with any law, regulation, or other requirements incident thereto;

(f) To receive savings and to repay or invest the same;

(g) To declare and pay dividends;

(h) To borrow money and to pledge, mortgage, or hypothecate its properties and securities in connection therewith;

(i) To collect or protest promissory notes or bills of exchange owned or held as collateral by the association;

(j) To let vaults, safes, boxes, or other receptacles for the safe keeping or storage of personal property, subject to the laws and regulations applicable to and with the powers possessed by safe deposit companies; and to act as escrow holder;

(k) To act as fiscal agent for the United States of America; to purchase, own, vote, or sell stock in, or act as fiscal agent for any Federal Home Loan Bank, The Federal Housing Administration, Home Owners' Loan Corporation, or other state or Federal agency, organized under the authority of the United States or of the State of Washington and authorized to loan to or act as fiscal agent for savings and loan

Authority of association.

associations or to insure savings accounts or mortgages; and, in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated by such Federal or state agency and to execute any contracts and pay any charges in connection therewith;

(l) To procure insurance of its mortgages and of its savings accounts from any state or Federal corporation or agency authorized to write such insurance and, in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated and to execute any contracts and pay any premiums required in connection therewith;

(m) To loan money and to sell any of its notes or other evidences of indebtedness, together with the collateral securing the same;

(n) To make, adopt, and amend bylaws for the management of its property and the conduct of its business;

(o) To deposit moneys and securities in any bank or other like depository;

(p) To dissolve and wind up its business;

(q) To collect or compromise debts due to it and, in so doing, to apply to the indebtedness the savings accounts of the member debtors, and to receive, as collateral or otherwise, other securities, property or property rights of any kind or nature;

Vetoed. { (r) To act as insurance agent for the purpose of writing fire and other insurance principally on property in which the association has an insurable interest;

(s) To exercise, by and through its board of directors and duly authorized officers and agents, all such incidental powers as may be necessary to carry on the business of the association.

Commercial accounts.

SEC. 30. An association shall not carry any commercial or checking accounts.

SEC. 31. An association shall not permit any of its assets to be held or carried in the name or possession of any other person, except that its funds may be deposited in depositaries designated by the board of directors.

The assets of an association shall be entered on its books at no more than the actual cost thereof. When purchased at a premium, they shall be amortized to par, in equal annual installments, to maturity. When real estate under contract of sale or securities are purchased by an association at a discount, such discount may be amortized to par in equal annual installments to maturity.

Assets entered on books at cost.

Whenever an association shall acquire real property on which there exists prior incumbrances, such incumbrances shall be carried on the books of the association as a liability.

SEC. 32. An association shall not charge a savings member any membership fee, fine, or penalty.

Membership fee prohibited.

SEC. 33. An association shall not make an operating or management agreement with any person fixing its cost of doing business.

SEC. 34. An association shall not borrow money or pledge, mortgage, or hypothecate any of its securities as collateral or security for the repayment of money borrowed except pursuant to a resolution adopted by a vote of two-thirds of the members of its board of directors, which resolution and the vote thereon shall be entered upon the minutes of the association.

Borrowings or pledges of property restricted.

The secretary shall furnish the Supervisor forthwith a copy of such resolution and of the note or other evidence of such borrowing and of any pledge or mortgage document securing any loan made to the association.

Notice to supervisor.

SEC. 35. An association shall not make any loan to or sell to or purchase any real property or securities from any director, officer, or employee of an

Loans to directors or officers.

association or to or from any public officer or public employee whose duties have to do with the supervision, regulation, or insurance of the association or its savings accounts or mortgages.

The foregoing provisions shall not apply to loans secured by the pledge or assignment of the savings account of the borrowing member.

Loans to directors, officers defined.

A loan to or a purchase or sale to or from a partnership or corporation of which such director, officer, or employee is an owner or stockholder to the amount of fifteen per cent (15%) of the total ownership or stock, or in which he and other directors of the association hold an ownership or stock to the amount of twenty-five per cent (25%) of the total ownership or stock, shall be deemed a loan to or a purchase or sale to or from such director within the meaning of this section except when the transaction shall have occurred without the knowledge or against the protest of such director, officer, or employee of the association.

Amount of deposit required.

SEC. 36. An association shall not carry on deposit in any bank or trust company a sum in excess of twenty-five per cent (25%) of the capital and surplus of such bank or trust company unless authorized by the supervisor.

Depositories defined.

SEC. 37. An association shall not carry on deposit in any bank or trust company in which a director of the association is a trustee, director, officer, or employee, a sum in excess of five per cent (5%) of the amount of its savings accounts. This restriction shall not apply to depositors in and with a Federal Home Loan Bank.

Pensions and retirement plans.

SEC. 38. An association may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.

SEC. 39. In addition to its usual savings accounts for which credit is given in a pass book, an association may receive fully paid, installment, and juvenile savings and issue its pass books or certificates therefor showing to which class such savings accounts belong.

Juvenile
savings.

Fully paid savings are those for which the association issues its fully paid certificate at the time they are received. The bylaws of the association may provide the terms and conditions under which fully paid savings are received.

Paid
savings.

Installment savings are those upon which regular stipulated payments are agreed to be made at stated periods until the sum of such payments and the dividends credited thereon completes payment of the agreed amount. The bylaws of the association may provide the terms and the conditions under which installment savings are received.

Installment
savings.

Juvenile savings are those received from minors. The bylaws of the association may provide the terms and conditions under which juvenile savings are received.

The bylaws of the association may provide for payment of a higher dividend rate on fully paid and installment savings than is concurrently paid on other savings in the association, upon such terms and conditions as the board of directors shall prescribe.

Dividends
on savings.

SEC. 40. Savings may be received by an association in the name of two or more members as joint tenants with right of survivorship. In such case, payment to either member shall discharge the association from liability upon such savings account and, upon the death of either of such joint tenants, the association shall be liable only to the survivor or survivors.

Joint savings.

SEC. 41. Minors may become members of an association and all contracts entered into between a minor and an association, with respect to his mem-

Minors.

bership or his savings therein, shall be valid and enforceable, and all savings accounts of minors shall be held for the exclusive right and benefit of such minor and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends thereon, to the minor member, and his receipt or acquittance shall be a valid discharge of the obligation.

A minor may not disaffirm, because of his minority, any such membership or agreement in connection therewith.

School
savings.

SEC. 42. An association may provide for school savings, upon such terms and conditions as its board of directors by resolution shall provide, and issue its certificates, passbooks, or debentures therefor.

Married
women.

SEC. 43. Married women may become members of an association and all contracts entered into between a married woman and an association, with respect to her membership or her savings therein, shall be valid and enforceable and, unless notice shall be given to the association that the same are community funds, all savings accounts of a married woman shall be held for the exclusive right and benefit of such married woman and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to such member, and her receipt or acquittance shall be a valid discharge of the obligation.

State and
municipal
corporations.

SEC. 44. The State of Washington and the municipal corporations thereof, and trustees, administrators, executors, guardians, and other fiduciaries, either individual or corporate, in their fiduciary capacity, may become members in savings and loan associations.

Savings in
trust.

SEC. 45. When any savings account shall be made in the name of any person in trust for another, in the event of the death of such trustee, the savings accounts, together with the dividends thereon, or

any portion thereof shall be payable in conformity with the provisions of the trust agreement, if any.

If such savings account in trust shall be made without any express trust agreement or the association shall have no other or further notice of the existence and terms of any regular and valid trust, in the event of the death of the trustee such account, together with the dividends thereon, or any portion thereof, shall be payable to the person for whom the account was made or, if such beneficiary be a minor or an incompetent, to his guardian, and his receipt or acquittance shall be a valid discharge of the obligation.

SEC. 46. If any person shall die having any savings account in an association amounting to not more than five hundred dollars (\$500) and no executor or administrator shall be appointed within six (6) months thereafter, such association may pay such account to the husband, widow, next of kin, funeral director or other creditor who may appear entitled thereto. For any such payment, the association may require such proofs, waivers, indemnity and receipt and acquittance as it may deem proper. For any payment made hereunder, the association shall not be liable to the decedent's executor or administrator thereafter appointed.

Savings of deceased members.

SEC. 47. An association shall not receive savings upon which a stipulated rate of dividend shall be payable. Except as otherwise expressly provided or authorized in this act, all savings shall share proportionately in all net earnings and all losses of the association.

Earnings proportionately shared.

SEC. 48. An association shall issue its certificate or pass book for all savings received from its members.

Pass book.

SEC. 49. An association shall not:

(a) Declare, credit, or pay any dividend except

as authorized by a vote of the majority of the board of directors duly entered upon its minutes.

Acts
prohibited.

(b) Declare, credit, or pay dividends on any amount to the credit of a savings member for a longer period than the same has been credited: *Provided, however,* That savings paid in not later than the tenth day of any month may have dividends declared upon them for the whole of the month in which they were so paid in.

Rate of
dividends.

SEC. 50. Every association shall regulate the rate of dividends upon the amounts to the credit of the savings members therein, in such manner that such members shall receive, as nearly as may be, all the earnings of the association after the payment of expenses and after transferring such adequate amounts to the contingent fund and other reserve funds, as the directors may deem expedient for the security of the members.

An association may not be required to pay dividends on balances of less than five dollars (\$5).

Dividends shall be declarable only as of June 30th and December 31st in each year.

Contingent
fund a
reserve.

SEC. 51. The contingent fund shall constitute a reserve for the absorption of losses of an association.

Members shall not have, individually or collectively, any right or claim to the contingent fund except upon dissolution of the association.

Every association, as of June 30th and December 31st in each year, shall determine its net semi-annual earnings, and shall credit to the contingent fund an amount equal to two per cent (2%) of the amount by which the aggregate of loans and real estate contracts outstanding at the end of said six-months' period exceeds the amount of such loans and real estate contracts outstanding at the beginning of the period or one-twentieth of one per cent (1%) of the total savings accounts in the association at the end of the period, whichever is the greater, such sum so

credited from earnings into the contingent fund to be in no event less than five per cent (5%) of the net earnings of the association for such period.

SEC. 52. Any Federal insurance reserve fund of an association may be incorporated into the contingent fund. Whenever the aggregate of the contingent fund, undivided profits account and other reserves except those allocated for losses, shall exceed ten per cent (10%) of the liability to savings members of the association, such excess may be distributed to the members as dividends. Excess distributed.

SEC. 53. When any savings member shall have neither paid in nor withdrawn any funds from his savings account in the association for seven (7) consecutive years, and his whereabouts is unknown to the association and he shall not respond to a letter from the association inquiring as to his whereabouts, sent by registered mail to his last known address, the association may transfer his account to a "Dormant Accounts" fund. Any savings account in the "Dormant Accounts" fund shall not participate in the earnings of the association except by permissive action of the directors of the association. The member, or his or its executor, administrator, successors or assigns, may claim the amount so transferred from his account to the dormant accounts fund at any time after such transfer. Should the association be placed in liquidation while any savings account shall remain credited in the dormant accounts fund and before any valid claim shall have been made thereto, as hereinabove provided, such savings account so credited, upon order of the Supervisor and without any other escheat proceedings, shall escheat to the State of Washington. Dormant accounts.

SEC. 54. The savings paid into any association, together with any dividends credited thereon, shall be repaid to the savings members thereof respectively, or to their legal representatives, upon request.

Withdrawals. Withdrawals shall be paid in such manner and at such times and under such regulations as the bylaws or as the directors of the association shall provide, which provisions for withdrawals shall be set forth in the pass books of the association.

Segregation of assets. SEC. 55. An association, to stabilize its condition, with the approval of the Supervisor may segregate its assets into classes and cancel members' outstanding requests for withdrawal. An association so segregating its assets into classes, with the approval of the Supervisor, may convey the assets in one or more of such classes to a corporation, formed for the purpose under the Uniform Business Corporation Act, the directorate of which shall be identical to that of the association and the capital stock of which shall be owned by the association: *Provided, however,* That qualifying shares in the corporation may be issued, in trust, to its directors.

Reduction of accounts. SEC. 56. Upon segregation, the savings accounts of the members of the association shall be reduced rateably and proportionately and, in lieu of such reduction, the corporation shall issue its certificates or debentures, proportionately to the savings members of the association, upon such terms and conditions as its directors shall determine and the Supervisor shall approve.

Liquidation of assets. The assets of such segregation corporation shall be liquidated and its affairs wound up and the net proceeds distributed to its certificate or debenture holders rateably and proportionately: *Provided,* That whenever funds are available, the segregation corporation may pay to its certificate or debenture holders, whose certificates or debentures are not in excess of five dollars (\$5), the full amount thereof.

Such segregation corporation shall be subject to examination and supervision and shall pay an annual license fee on the same basis, for the same purposes,

and to the same extent as savings and loan associations.

SEC. 57. Every association shall have on hand at all times in available funds, to enable it to pay withdrawals in excess of receipts and to meet accruing expenses, a sum not less than three per cent (3%) of the aggregate of the savings accounts of its members. Such funds shall consist of cash on hand and balances due from or checks in transit for collection from solvent banks.

Cash reserve
required.

In addition, every association shall have on hand at all times, either in cash or in bonds or obligations authorized by sections 59 to 61 of this act, which cash, bonds or other obligations shall not be pledged or otherwise held as security for the payment of any obligations of the association, as follows:

Assets
required to
be on hand.

Three per cent (3%) of the aggregate of the savings accounts of its members, if the principal place of business of the association shall be in a city or town having a population of not more than twenty-five thousand (25,000) persons;

Five per cent (5%) of such savings accounts, if such principal place of business shall be in a city having a population in excess of twenty-five thousand (25,000) persons and of not more than two hundred thousand (200,000) persons; and

Seven per cent (7%) of such savings accounts, if such principal place of business shall be in a city having a population of more than two hundred thousand (200,000) persons.

Whenever an association shall have on hand less available funds or bonds or obligations than are hereinabove required or when it shall owe borrowed money in an amount equal to one-half of its legal borrowing capacity with the Federal Home Loan Bank of Portland, it shall discontinue the making of any loans or other investments, except those for which its commitments have previously been issued,

Loans dis-
continued.

until a status complying with the provisions of this section shall be re-established.

Investment
of funds.

SEC. 58. An association may invest its funds in the manners in this act provided and not otherwise.

An association shall not invest more than two and a half per cent ($2\frac{1}{2}\%$) of its assets or five thousand dollars (\$5,000), whichever is the greater, in a loan or loans, or in the purchase of contracts as hereinafter provided, on the security of any one property.

An association shall not loan to or purchase contracts payable by any one person in an amount in excess of two per cent (2%) of its assets, except with the prior written approval of the Supervisor. As to any such loan or contract purchase in excess of two per cent (2%) of its assets, the association shall set up a special reserve from current earnings equal to five per cent (5%) of such loan or contract purchase price. Such special reserve may be withdrawn whenever such loan or contract balance shall be reduced to an amount not exceeding two per cent (2%) of the assets of the association.

United States
securities.

SEC. 59. An association may invest its funds in the bonds or obligations of or bonds or obligations guaranteed by the United States of America, including bonds of the District of Columbia, 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 interest and principal: *Provided*, That, in the case of bonds of the Dominion of Canada or those for which its faith is pledged, the interest and principal shall 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.

Obligations
of the state.

SEC. 60. An association may invest its funds 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.

SEC. 61. An association may invest its funds in the bonds or interest bearing obligations of any other state of the United States upon which there is no existing default and upon which there has been no default for more than ninety (90) days within ten (10) years immediately preceding the investment: *Provided*, That such state has not been in default for more than ninety (90) days, within said ten (10) years, in the payment of any part of the principal or interest of any debt contracted by it or for which the faith of such state was pledged. Other states.

SEC. 62. An association may invest its funds in the valid warrants or bonds of any city, town, county, school district, port district, or other municipal corporation in the State of Washington which are issued pursuant to law and for the payment of which the faith and credit of such municipal corporations is pledged and taxes are leviable upon all taxable property within its limits. The aggregate of the investments of an association in any issue of such warrants or bonds shall at no time exceed five per cent (5%) of the amount of its savings accounts. Obligations of other municipalities.

SEC. 63. An association may invest its funds in the valid warrants or bonds of any city, county, school district, port district, or other municipal corporation in the United States having a population of not less than fifty thousand (50,000) inhabitants as determined by the last Federal census, which municipal corporation has not defaulted in the payment of interest or principal upon any general obligation, including those for which its credit was pledged, within ten (10) years last past, and for the payment of which the faith and credit of such municipal corporation is pledged and taxes are leviable upon all taxable property within its limits. No such invest- Warrants.

ment shall be made unless the warrants or bonds for purchase are rated not less than BAA by Moody's Investors' Service, or have equivalent rating of another standard rating bureau, and the aggregate of the investments of an association in any issue of such warrants or bonds shall at no time exceed five per cent (5%) of the amount of its savings accounts.

Revenue bonds.

SEC. 64. An association may invest its funds in the light, water, or sewer revenue bonds of any city of this state 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.

An association may invest its funds in the light, water, or sewer revenue bonds of any city or other municipal corporation in the United States having a population of not less than fifty thousand (50,000) inhabitants as determined by the last Federal census, which city or municipal corporation has not defaulted in the payment of interest or principal upon this or any like obligation, including those for which its credit was pledged, within ten (10) years last past, for the payment of which the entire revenue of the city's, or other municipal corporation's light, water, or sewer system, less maintenance and operating costs, is irrevocably pledged.

Limit on revenue bonds.

The aggregate of the investments of an association in any issue of such revenue bonds shall at no time exceed five per cent (5%) of the amount of its savings accounts.

Local improvement bonds.

SEC. 65. An association may invest its funds 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 pro-

ducing 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. The aggregate of the investments of an association in any issue of such bonds shall at no time exceed three per cent (3%) of the amount of its savings accounts, and an association may not have invested, at any one time, more than one hundred thousand dollars (\$100,000) in the bonds of any one district described in this section.

SEC. 66. An association may invest its funds in stock or notes, bonds, debentures, or other such obligations 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, or insurer of, a savings and loan association.

Federal
home loans.

SEC. 67. An association may invest its funds in loans secured by first mortgages on improved real estate, subject to the following conditions and restrictions:

Real estate
mortgage.

(1) No mortgage loan shall be made in excess of fifty per cent (50%) of the value of the security unless its terms require the payment of the 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-five (25) years, beginning within one (1) year and continuing until the loan is reduced to fifty per cent (50%) or less of the value of the security as then determined upon a re-appraisal. No loan upon which payments in reduction of principal are not being made at least annually shall continue for more than five (5) years, unless, at the expiration

50% value of
security.

of each five (5) year period, it shall be re-appraised and the loan reduced to an amount not in excess of fifty per cent (50%) of the new appraised value.

Federal
guaranteed
loans.

(2) Notwithstanding any other provision of this act, an association may make any real estate loan which is insured or guaranteed in whole or in part by the Federal housing administrator, the veterans' administration, or any other state or Federal agency, or for which said administrator, administration, or agency has issued commitment to insure or guarantee such loan.

(3) Loans not so insured or guaranteed shall not be in excess of:

(a) Eighty per cent (80%) of the appraised value, if secured by a first mortgage lien on property on which is situated a dwelling not over thirty (30) months old.

(b) Sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) of the appraised value, if secured by a first mortgage lien on property on which is situated a dwelling not over fifteen (15) years old or which is fully repaired and modernized at the time the loan is made.

(c) Sixty per cent (60%) of the appraised value, if secured by a first mortgage lien on property improved with a dwelling or apartment building other than as above described.

(d) Fifty per cent (50%) of the appraised value, if secured by a first mortgage lien on property improved with a building or buildings other than as above described.

(4) Notwithstanding the provisions of this section, an association may make any loan which is permitted to a Federal Savings and Loan Association doing business in this state.

Building
loans.

SEC. 68. An association may invest its funds in a loan secured by a first mortgage lien on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan. Such loans shall be so arranged that the proceeds

of the loan will be used for the payment of the costs of the improvements and that, when so used, the property will be improved to the extent that the appraised value, upon completion, will be as provided in this act.

SEC. 69. For every mortgage loan, the borrower shall execute a note and a mortgage which shall constitute a first lien upon a fee estate in improved real property. For such loan, the appraised value shall be the value of the land and the permanent improvements thereon. Appraisals for loan purposes shall be made by two appraisers appointed by the board of directors, either or both of whom, if qualified, may be directors of the association.

Note and mortgage of borrower.

Every appraisal shall be made in writing, shall state that each appraiser has personally examined said property, has no personal interest therein, the conservative value of the property as so determined, and shall be signed by the appraisers. Such appraisal shall be filed with the association, before any mortgage loan shall be made.

Appraisal.

Every mortgage loan, before making, shall be approved by the directors of the association or by a loan committee of the directors appointed for the purpose.

Approval of directors.

SEC. 70. For every mortgage loan made, the association shall require that the mortgagor procure and maintain fire insurance upon the buildings and improvements situated on the mortgaged premises, in a company authorized to write fire insurance in this state, in such amount as shall be stipulated in the mortgage, with loss payable to the association, and that the policy or policies of insurance be deposited with and held by the association until the loan shall be paid.

Insurance on security.

The association may require such other insurance at any time as its board of directors may deem

advisable for its protection up to the balance of its loan account.

Before making any mortgage loan, the association shall require:

Title insurance.

(a) Title insurance issued by a duly qualified title insurance company; or

(b) In the case of lands registered under the Torren's System, a duplicate certificate of ownership issued by a registrar of titles; or

Abstract.

(c) An abstract of title, certified to the date of the loan by a duly qualified abstract company of the county in which the land is situated, accompanied by a written opinion of a competent attorney to the effect that the proposed mortgage will constitute a first lien upon such property.

Investment of association funds.

SEC. 71. An association may invest its funds 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 contracts;

(b) That the type of property be such as would be eligible for a mortgage loan under this act;

(c) 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 lower, and that the purchaser shall not be in default in performance of any of the terms of said contract. An association, subject however to the provisions of section 58, may purchase any real estate contract which a Federal association doing business in this state is permitted to purchase.

Before making any such purchase, the property shall be appraised and the purchase approved as in the case of mortgage loans.

SEC. 72. An association may invest its funds in promissory notes secured by the pledge or assign-

ment of the savings account of the borrowing member. Any such loan shall not exceed ninety per cent (90%) of the balance due to the member upon such savings account. Notes of members.

An association may invest its funds in loans upon the security of a savings account in any other savings and loan association doing business in this state, if such account be insured by the Federal Savings and Loan Insurance Corporation or any other Federal or state agency. Any such loan shall not exceed ninety per cent (90%) of the amount of such account or ninety per cent (90%) of the amount of the insurance thereon, whichever is the smaller. Loans on savings accounts.

SEC. 73. An association may invest its funds in the purchase of furniture, fixtures and office equipment convenient and necessary for the carrying on of its business. Fixtures.

SEC. 74. An association may invest a reasonable amount of its funds in real property or leasehold interests therein for use in the transaction of its business when: Real property for office for business.

(1) the aggregate of its contingent fund, surplus, and undivided profits accounts equals five per cent (5%) of the aggregate of its savings accounts;

(2) its directors, by unanimous vote, approve the making of such investment; and

(3) the total investment in such property does not exceed seven and one-half per cent (7½%) of the aggregate of its savings accounts.

The foregoing restrictions of this section shall not affect existing investments of associations. No association may invest its funds in real property or leasehold interests therein for use in the transaction of its business without the prior written approval of the Supervisor.

Any real estate, except that used for the transaction of its business, which is not sold by an association within five years from and after the time title

is acquired, shall be depreciated at not less than ten per cent (10%) of the book value at the close of each annual period, unless an extension of time be granted by the Supervisor.

Assets of segregation corporation.

SEC. 75. Notwithstanding any other provisions of this act, an association may invest its funds in the assets of its segregation corporation or equivalent agency whenever a three-fourths majority of its directors approve the making of such investment.

If the purchase price of any one asset from the segregation corporation or equivalent agency amounts to more than two per cent (2%) of the savings accounts of the association, such purchase may not be made without the prior written approval thereof by the Supervisor.

Fees of secretary of state.

SEC. 76. The Secretary of State shall collect in advance the following fees from each association: For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office, ten dollars (\$10); for furnishing copies of papers filed in his office, per folio, twenty cents (20¢).

Every association shall also pay to the Secretary of State or County Auditor, for filing any instrument with him, the same fees as are required of general corporations for filing similar papers.

Annual license fee.

SEC. 77. Every savings and loan association organized under the laws of this state on or before the 31st day of July in each year, shall pay to the Supervisor a license fee, for the ensuing fiscal year commencing August 1st, as follows:

Where the assets of the association do not exceed two hundred and fifty thousand dollars (\$250,000), a fee of fifty dollars (\$50);

Where the assets exceed two hundred and fifty thousand dollars (\$250,000), and do not exceed five hundred thousand dollars (\$500,000), a fee of seventy-five dollars (\$75);

Where the assets exceed five hundred thousand dollars (\$500,000), and do not exceed one million dollars (\$1,000,000), a fee of one hundred dollars (\$100); and Annual license fee.

Where the assets exceed one million dollars (\$1,000,000), the sum of one hundred dollars (\$100) plus ten dollars (\$10) per million dollars of assets, or fraction thereof, in excess of such one million dollars (\$1,000,000).

In addition, each association shall pay a fee of thirty cents (30¢) per thousand dollars of assets, or fraction thereof, up to and including two million five hundred thousand dollars (\$2,500,000) of assets and a fee of fifteen cents (15¢) per thousand dollars of assets, or fraction thereof, in excess of two million five hundred thousand dollars (\$2,500,000). For the purpose of computing such fees, the assets of the association shall be determined as of June 30th of the year in which the fee is payable.

SEC. 78. Every foreign savings and loan association or like corporation doing business in this state, on or before the 31st day of July of each year shall pay to the Supervisor for the privilege of conducting business in this state, a license fee for the ensuing fiscal year, of three hundred dollars (\$300) and, in addition, thirty cents (30¢) upon each one thousand dollars (\$1,000) or fraction thereof of assets held or of savings received within this state, which ever may be the larger, up to and including two million five hundred thousand dollars (\$2,500,000) of such assets or savings and a fee of fifteen cents (15¢) per thousand dollars of such assets or savings, or fraction thereof, in excess of two million five hundred thousand dollars (\$2,500,000). The Supervisor may terminate the right of any foreign association or like corporation to do business in this state whenever any fees remain unpaid, and may take possession of any assets of such foreign association or like corporation in this state. Foreign associations, fees.

SEC. 79. The fees herein provided for shall be in lieu of all other corporation fees, licenses, or excises for the privilege of doing business.

Taxes.

Neither an association nor its members shall be taxed upon its savings accounts as property. An association shall be taxable upon its real and tangible personal property.

An association is a mutual institution for savings and neither it nor its property shall be taxed under any law which shall exempt banks or other savings institutions from taxation.

Computation.

For all purposes of taxation, the assets represented by the contingent fund and other reserves (other than reserves for expenses and specific losses) of an association shall be deemed its only permanent capital and, in computing any tax, whether property, income, or excise, appropriate adjustments shall be made to give effect to the mutual nature of such association.

Foreign associations.

SEC. 80. No foreign association or like corporation, not already authorized to conduct business in the State of Washington, shall be admitted or permitted to conduct business in this state.

SEC. 81. A foreign savings and loan association or like corporation authorized to do business in this state which, by the laws of the state in which it is incorporated, is required to be examined or to make reports to officers of such state, after each such examination or on the making of each such report, shall furnish to the Supervisor a copy of such examination or report, certified by the officer of such state making such examination or receiving such report.

SEC. 82. A foreign savings and loan association or like corporation authorized to transact business in this state, shall conduct its business and comply with all requirements of the Supervisor in conformance with the provisions of this act.

All agreements made by any foreign association or corporation doing business in this state with any resident of this state shall be deemed and construed to be made within this state.

SEC. 83. Every such foreign association or like corporation shall deposit with the Supervisor forthwith cash or bonds of the United States, or bonds of any state, county, or municipality which are a legal investment for a domestic savings and loan association, or acceptable mortgages on improved real estate in the State of Washington, for a total of not less than its liability to investors in the State of Washington and not in excess of one and one-half times such investment. Such deposit shall be held as security until all claims of residents of this state shall have been fully redeemed and paid off, and its contracts and obligations have been fully performed and discharged.

Bonds of
foreign as-
sociation.

The Supervisor, in his discretion, may permit the withdrawal of any such securities upon such terms and conditions as he deems advisable. Such foreign association may collect and use the interest on any securities so deposited, as long as it fulfills its obligations and complies with the provisions of this act.

Powers of
supervisor
over foreign
associations.

SEC. 84. No foreign savings and loan association or like corporation shall do business in this state until it shall file with the Supervisor a written irrevocable power of attorney providing that service upon the Supervisor of any process issued against it by any court in this state shall constitute valid service of such process upon it. Such service shall be had by serving upon the Supervisor two (2) copies of such summons or other process, together with the sum of two dollars (\$2). The Supervisor, upon receipt of any such summons or other process, shall forthwith transmit, by registered mail, one (1) copy thereof to the principal office of such foreign association or corporation.

Powers of
attorney for
service of
process.

SEC. 85. No foreign savings and loan association shall be permitted to do business in this state on more favorable terms and conditions than the associations organized under the laws of this state are permitted to do business in the state in which such foreign association or corporation is organized.

Failure to
pay
judgment
cancels
authority.

SEC. 86. Any foreign savings and loan association or like corporation doing business in this state which shall remove any action commenced against it in a Court of this state to a Court of the United States, or which shall fail to pay any judgment rendered against it in any Court in this state within sixty (60) days after such judgment shall become final, or which shall fail to comply with any provision of this act, or which shall be placed in liquidation or receivership, or other like proceedings, in any state, shall not thereafter transact any business within this state.

Penalties.

SEC. 87. Any director, officer, agent, or employee of an association who, on behalf of such association, shall knowingly and wilfully make or participate in making or consent to any loan or investment contrary to the provisions of this act shall be guilty of a gross misdemeanor.

SEC. 88. Any director, officer, agent, attorney, or employee of an association who, directly or indirectly, shall purchase at a discount any savings account in the association or any certificate or debenture of any segregation corporation holding assets formerly held by the association shall be guilty of a gross misdemeanor.

SEC. 89. Every transfer of its property and assets by any savings and loan association in this state, made in contemplation of insolvency, or after it shall have become insolvent, with a view to the preference of one creditor or member over another, or to prevent the proper distribution of its property and

assets among its creditors and members, shall be void.

Every director, officer, agent, or employee making such transfer or assisting therein shall be guilty of a felony.

SEC. 90. Every person who shall subscribe to or knowingly make or cause to be made any false statement or false entry in the books of any association, or shall knowingly subscribe to or exhibit any false or fictitious security, document, or paper, with intent to deceive any person authorized to examine into the affairs of any association, or shall knowingly make or publish any false statement of the amount of the assets or liabilities of the savings association, shall be guilty of a felony. Penalties.

SEC. 91. Any person who, for the purpose of concealing any material fact, shall suppress any evidence or abstract, remove, mutilate, destroy, or secrete any book, paper or record of an association, or of the Supervisor, or of anyone connected with the association or the office of the Supervisor, shall be guilty of a felony.

SEC. 92. Any person who shall wilfully instigate, make, circulate, or transmit to another or others any false statement concerning the moral or financial condition, or affecting the financial standing of any association doing business in this state, or who wilfully counsels, aids, procures or induces another to start, transmit, or circulate any such statement or rumor, shall be guilty of a gross misdemeanor. Penalties.

SEC. 93. The information obtained by the Supervisor or any of his examiners or agents shall be deemed confidential and any supervisor, examiner, or agent who shall wilfully circulate or transmit to another, other than in the course of duty to the institution examined and to his superior officer, and to the officials of the institution examined any information. Supervisors information confidential.

tion so obtained shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to the preparation and publication of the usual statistical reports of the Supervisor or to the furnishing of any such information to any state or Federal department or agency.

Liability of officer or director.

SEC. 94. Every director, officer, agent, or employee of an association who shall borrow or who shall knowingly permit any person to borrow any of its funds in violation of the provisions of this act shall be personally liable for any loss or damage which the association may sustain in consequence thereof.

SEC. 95. The Supervisor (a) shall be charged with the administration and enforcement of this act and shall have and exercise all powers necessary or convenient thereunto;

Powers of supervisor.

(b) shall issue to each association doing business hereunder, when it shall have paid its annual license fee and be duly qualified otherwise, a certificate of authority authorizing it to transact business;

(c) shall require of each association a semi-annual statement and such other reports and statements as he may deem desirable, on forms to be furnished by him;

(d) shall require each association to conduct its business in compliance with the provisions of this act;

Yearly examination of associations.

(e) shall visit and examine into the affairs of every association, without previous notice to it, at least once in each calendar year; may appraise and revalue its investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such association for such purposes;

(f) may accept or exchange any information or reports with the examining division of the Federal Savings and Loan Insurance Corporation or other like agency which may insure the accounts in an association or to which an association may belong;

(g) shall have power to administer oaths to and to examine any person under oath concerning the affairs of any association and, in connection therewith, to issue subpoenas and require the attendance and testimony of any person or persons at any place within this state, and to require witnesses to produce any books, papers, documents, or other things under their control material to such examination; and

Examination
under oath.

(h) shall have any and all other powers incidental to the purposes of such examination and administration.

SEC. 96. In event any person shall refuse to appear in compliance with any subpoena issued by the Supervisor or shall refuse to testify thereunder, the Superior Court of the State of Washington for the county in which such witness was required by said subpoena to appear, upon application of the Supervisor, shall have jurisdiction to compel such witness to attend and testify and to punish for contempt any witness not complying with the order of the Court.

Procedure
on failure
to comply.

SEC. 97. The Supervisor may make an examination of any foreign association or like corporation doing business in this state, whenever he may deem such examination advisable, and the association shall pay the actual costs of each such examination, such cost to include the usual per diem compensation of his examiners. The Supervisor may require an advance deposit of the anticipated expenses of such examination.

Foreign
associations.

SEC. 98. The Supervisor is hereby empowered, upon the written application of the board of directors of an association, if in his judgment the circum-

Postponing
payments.

stances warrant it, to authorize the association to postpone, for a period of ninety (90) days and for such further period or periods as he may deem expedient, the payment of such proportions or amounts of the requests for withdrawal, from time to time, as he may deem necessary or expedient. The period or periods of postponement and the proportions or amounts of the requests to be deferred shall be determined by him according to the ability of the association to pay withdrawals. By regulations prescribed for deferred payments, the Supervisor may classify accounts and limit payments to members of the several classes differently. The Supervisor's orders, regulations and directions shall be in writing and be filed in his offices, and copies thereof shall be delivered to the association.

During postponement of payments, the association shall remain open for business and be in charge of its directors and officers.

The association's failure, during a period of postponement, to pay withdrawal requests shall not authorize or require the Supervisor to take charge of or liquidate the association.

Declaration
of acute
business
depression.

SEC. 99. The Supervisor further is empowered, if in his judgment the circumstances warrant it, to issue in writing a declaration that an acute business depression, state of panic, or economic emergency exists, in which event the directors of any association, state or Federal, within the state may limit withdrawals by resolution, subject to the following conditions; that incoming funds shall be applied:

First, to the payment of operating expenses, indebtedness, taxes, insurance, and to the necessary charges for the protection of the association and its investments;

Second, to the payment to members of emergency withdrawals not exceeding twenty-five dollars (\$25) per month to any member. The board of directors of any association, with the prior written approval

of the Supervisor, by resolution may authorize the payment of emergency withdrawals not exceeding one hundred dollars (\$100) per month to any member;

Third, to the payment of dividends on the savings of its members;

Fourth, three-fourths of all remaining receipts of the association, except interest payments, shall be applied to the payment of withdrawals, until all withdrawal requests have been paid.

All such withdrawal payments shall be made to members having withdrawal requests on file in proportion to the amount of such withdrawal requests.

SEC. 100. Savings received by an association, during a period or periods of postponement of payment of withdrawals or of acute business depression, panic or economic emergency under authorization or declaration of the Supervisor as hereinbefore provided, shall be repaid to the members paying in such savings before any liquidation dividends shall be declared or paid if, during such period or periods or at the expiration thereof, the Supervisor shall take charge of the association for liquidation, as hereinafter in this act provided.

Deposits
during
depression.

SEC. 101. The Supervisor shall have power to commence and prosecute actions and proceedings to enforce the provisions of this act, to enjoin violations thereof, and to collect sums due to the State of Washington from any association.

Supervisor's
power to act.

SEC. 102. Any domestic association may determine to enter upon voluntary liquidation, to transfer its assets and liabilities to another association, to merge with another association, to segregate its assets into classes, to charge off its losses in excess of its reserves, or to amend its articles of incorporation or its bylaws.

Liquidation
or merger.

Any such liquidation, transfer, merger, segregation, charge-off, or amendment shall be effected by

the vote of a majority in amount of the members present, in person or by proxy, at any regular or special meeting of the members called for such purpose.

Notice of meeting.

Notice of such meeting, stating the purpose thereof, shall be mailed to each member and to the Supervisor, not more than thirty (30) days nor less than ten (10) days before the date of the meeting, postage prepaid, at his last address as shown upon the books of the association.

If such liquidation, transfer, merger, segregation, charge-off, or amendment be authorized by the members at the meeting, the directors of the association are authorized and shall effect such action, and the officers of the association shall execute all proper conveyances, documents, and other papers necessary or proper thereunto.

Unsound association.

SEC. 103. Whenever it shall appear to the Supervisor that any association is in an unsound condition or is conducting its business in an unsafe manner or is refusing to submit its books, papers, or concerns to lawful inspection, or that any director or officer thereof refuses to submit to examination on oath touching its concerns and affairs or that it has failed to carry out any authorized order or direction of the Supervisor, the Supervisor may give notice to the association so offending or delinquent or whose director or officer is thus offending or delinquent to correct such offense or delinquency and, if such association or such director or officer fails to correct said condition, offense, or delinquency within a reasonable time, as determined by the Supervisor, the Supervisor may take possession of such association.

Powers and duties of supervisor.

SEC. 104. Whenever it shall appear to the Supervisor that any association is in an unsound or unsafe condition to continue business or is insolvent, the Supervisor may take possession thereof without notice.

SEC. 105. Upon the Supervisor taking possession of any association, he shall proceed to liquidate such association unless, in his discretion, he shall determine to call a meeting of the savings members to consider either a proportionate charge-off against the members' savings accounts (except juvenile and school savings) to permit the association thereafter to continue in business, or whether the association should proceed to voluntary liquidation under the management of its board of directors. In such event, if the Supervisor shall approve the decision of a majority in amount of the savings present and voting, he shall order such action to be taken.

Liquidation
by
supervisor.

During any period of voluntary liquidation, the Supervisor may take possession of the association and its assets and complete the liquidation whenever, in his discretion, this seems advisable.

SEC. 106. Whenever the Supervisor shall determine to liquidate the affairs of an association, he shall cause the Attorney General to present to the Superior Court of the county in which such association has its principal place of business a written petition setting forth the date of his taking possession, the reasons therefor, and other material facts concerning the affairs of the association and, if the Court shall determine that said association should be liquidated, it shall appoint the Supervisor, and no other person, as the liquidator of such association and fix and require a bond to be given by the liquidator conditioned for the faithful performance of his duties as such liquidator.

Approval
of court.

Upon the filing with and approval by the Court of such bond, the Supervisor shall enter upon his duties as liquidator of the affairs of the association, and, under the direction of the Court, shall administer and liquidate the assets thereof and apply the same to the payment of the expenses of liquidation and the debts of the association, and distribute the remainder to the savings members, first paying

Procedure in
liquidation.

juvenile and school savings accounts in full, and distributing the then remainder to the remaining savings accounts proportionately.

SEC. 107. In any such liquidation proceeding, the Court, except as otherwise in this act expressly provided, shall have the powers and proceed as in receivership proceedings.

Powers of liquidator.

SEC. 108. The liquidator, upon the approval of the Court, may sell, discount, or compromise debts of the association and claims of the association against its debtors. The liquidator, likewise, with the approval of the Court, may lease, operate, repair, exchange, or sell, either for cash or upon terms, the real and personal property of the association.

In any liquidation proceeding, the liquidator, with the approval of the Court, whenever funds are available, may pay savings members whose balances amount to not more than five dollars (\$5) the full amount of such balances.

Liquidation proceedings.

In any liquidation proceeding, any checks issued or payments held by the liquidator which remain undelivered for six (6) months following the final liquidation dividend, shall be deposited with the Supervisor, after which the liquidator shall be discharged by the Court. During five (5) years thereafter, the Supervisor shall deliver any such checks or payments to the payee, or his legal representative, upon receipt of satisfactory evidence of his right thereto. After said five (5) years, the Supervisor shall cancel all such checks or payments retained remaining in his possession and issue his check against the account for the amount thereof, payable to the State Treasurer, and deliver the same to him. Such payment shall escheat to the state, and it shall not be necessary to have such escheat adjudged in any legal proceeding.

SEC. 109. Upon the termination of any liquidation proceeding, any files, records, documents, books

of account, or other papers in the possession of the liquidator shall be surrendered into the possession of the Supervisor, who, in his discretion at any time after the expiration of one (1) year, may destroy any of such files, records, documents, books of account or other papers which appear to him to be obsolete or unnecessary for future reference.

Destruction
of files and
records.

SEC. 110. In any liquidation of the segregation corporation of any association, all funds remaining on hand, after the payment of all accounts, certificates or debentures issued by the segregation corporation or association, together with interest on dividends thereon amounting to, in the aggregate, the rate of dividends credited by the association to its members for the same period, shall be paid to and become the property of the association.

Remaining
funds.

In any such liquidation, any residue remaining amounting to less than one per cent (1%) of the aggregate original amount of outstanding certificates, debentures or accounts, regardless of the total amount paid to certificate or debenture holders, shall be paid to and become the property of the association.

SEC. 111. In the liquidation of a segregation corporation, any checks issued in such liquidation or funds for the payment of liquidation dividends, which remain undelivered for six (6) months following the final liquidating dividend, shall be delivered, together with the books, records, and papers of the corporation, to the association which has been liquidating the said corporation. During five (5) years thereafter, the association shall deliver any such checks or portions of said funds to the payee, or his legal representative, upon receipt of satisfactory evidence of his right thereto. After said five (5) years the association shall cancel all undelivered dividend checks remaining in its possession and issue a check for the amount thereof together with any

Undelivered
liquidation
dividends.

other funds, which check shall be payable to the State Treasurer, and deliver the same to him. Such payment shall escheat to the state, and it shall not be necessary to have such escheat adjudged in any legal proceeding. After said five year period the association may destroy any of the books, records, papers, and documents of the corporation which it deems are obsolete or unnecessary for future reference.

Undelivered
dividends on
voluntary
liquidation.

SEC. 112. In any voluntary liquidation of an association, any checks issued in such liquidation or funds representing liquidating dividends or otherwise which remain undelivered for six (6) months following the final liquidating dividend, shall be deposited with the Supervisor, together with any files, records, documents, books of account, or other papers of the association. The Supervisor, in his discretion at any time after the expiration of one (1) year, may destroy any of such files, records, documents, books of account, or other papers which appear to him to be obsolete or unnecessary for future reference. During five (5) years thereafter, the Supervisor shall deliver any such checks or portions of such funds to the payee, or his legal representative, upon receipt of satisfactory evidence of his right thereto. After said five (5) years, the Supervisor shall cancel all such checks remaining in his possession and issue his check payable to the State Treasurer, for the amount thereof together with any other liquidating funds, and deliver the same to him. Such payment shall escheat to the state, and it shall not be necessary to have such escheat adjudged in any legal proceeding.

Removal of
liquidator.

SEC. 113. The Court, upon notice and hearing may remove the liquidator for cause. From such order of removal the Supervisor may appeal to the Supreme Court by notice of appeal and bond for costs as in other appeals.

During the pendency of any appeal the Director of Finance, Budget and Business shall act as liquidator of the association, without giving any additional bond for the performance of his duties as such liquidator.

If such order of removal shall be affirmed, the Director of Finance, Budget and Business shall name another liquidator for the association, which nominee, upon qualifying as required for receivers generally, shall succeed to the position of liquidator of the association.

SEC. 114. The savings of any member of an association, to an amount not exceeding two hundred and fifty dollars (\$250), shall be exempt from attachment, garnishment, and execution, except as to any indebtedness due to such association. Garnishment of savings.

SEC. 115. An association may petition the Superior Court of the State of Washington for Thurston County for the review of any decision, ruling, requirement or other action or determination of the Supervisor, by filing its complaint, duly verified, with the Clerk of the Court and serving a copy thereof upon the Supervisor. Upon the filing of the complaint, the Clerk of the Court shall docket the same as a cause pending therein. Appeals from action of supervisor.

The Supervisor may answer the complaint and the petitioner reply thereto, and the cause shall be heard before the Court as in other civil actions. Both the petitioner and the Supervisor may appeal from the decision of the Court to the Supreme Court of the State of Washington.

SEC. 116. Any domestic association may convert itself into a Federal Savings and Loan Association. Any such conversion shall be effected by the vote of a majority in amount of the members present, in person or by proxy, at any regular or special meeting of the members called for such purpose. Notice of such meeting, stating the purpose thereof, shall Conversion to Federal association.

be mailed to each member not more than thirty (30) days nor less than ten (10) days before the date of the meeting, postage prepaid, at his last address as shown upon the books of the association.

Conversion
to Federal
association.

If such conversion be authorized by the members at the meeting, the directors of the association are authorized and shall effect such action, and the officers of the association shall execute all proper conveyances, documents, and other papers necessary or proper thereunto.

If conversion be authorized, a copy of the minutes of the meeting shall be filed forthwith with the Supervisor.

Upon consummation of such conversion, the successor Federal Savings and Loan Association shall succeed to all right, title, and interest of the domestic association in and to its assets, and to its liabilities to the creditors and members of the association.

Upon such conversion, after the execution and delivery of all instruments of transfer, conveyance and assignment, the domestic association shall be deemed dissolved.

Powers of
Federal
associations.

SEC. 117. Every Federal Savings and Loan Association, the home office of which is located in this state, and the savings accounts therein shall have all the rights, powers and privileges and be entitled to the same immunities and exemptions as pertain to savings and loan associations organized under the laws of this state.

Conversion
of Federal
association
to domestic.

SEC. 118. Any Federal Savings and Loan Association the home office of which is located in this state may convert itself into a domestic savings and loan association of this state. For any such conversion, such Federal association shall proceed as provided in this act for the conversion of a domestic association into a Federal association.

Upon consummation of such conversion, the successor domestic association shall succeed to all right, title, and interest of the Federal association in and to

its assets, and to its liabilities to the creditors and members of such Federal association.

SEC. 119. 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 to be invalid or unconstitutional. Partial
invalidity.

SEC. 119-A. Whenever, in this act or any prior acts relating to savings and loans, the term "Supervisor" or "Supervisor of Savings and Loans" appears, it is understood that the Director of the Department of Finance, Budget and Business may act for and in lieu of the said Supervisor of Savings and Loans, if and when there is no Supervisor of Savings and Loans duly qualified to act. Definition
of terms.

SEC. 120. Chapter 183, Laws of 1933, as amended by chapter 9, Laws of 1935; chapter 171, Laws of 1935; chapter 98, Laws of 1939; chapter 222, Laws of 1941, being Remington's Revised Statutes, sections 3717-1 to 112 inclusive, PPC 453-13 to 223, and chapter 15, Laws of 1933, Extraordinary Session, being Remington's Revised Statutes, sections 3757-1 to 6 inclusive, PPC 453-1 to 11, are hereby repealed. This repeal shall not operate to revive any acts or sections repealed thereby. From and after the effective date of this act, existing savings and loan associations and the members, directors, and officers thereof shall operate and be supervised under the provisions of this act. Acts
repealed.

SEC. 121. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Effective Im-
mediately.

Passed the House March 5, 1945.

Passed the Senate March 5, 1945.

Approved by the Governor March 16, 1945, with the exception of subsection (r) of section 29, which is vetoed.

CHAPTER 236.

[H. B. 87.]

SCHOLARSHIPS.

AN ACT authorizing the University of Washington and Washington State College to award scholarships and certain fee exemptions to students and graduates of foreign friendly higher educational institutions, provided similar reciprocal privileges are exchanged.

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

Scholarships
granted by
University
and State
College.

SECTION 1. The University of Washington and Washington State College shall each have the authority to award, during each academic year, not to exceed fifty (50) scholarships, to students or graduates of universities or colleges of friendly foreign nations, and exempting such recipients from the payment of tuition, library and incidental fees for the scholarship period: *Provided*, That the University and State College obtain satisfactory assurance that educational institutions of the said friendly foreign nations will exchange now or in the future reciprocal privileges to a similar number of students or graduates of the University of Washington or Washington State College.

Passed the House February 8, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 237.

[H. B. 399.]

BEACH PARK AT MUKILTEO.

AN ACT authorizing the State Parks Committee to acquire by purchase or condemnation a site and to build a beach park at Mukilteo; and making an appropriation.

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

SECTION 1. The State Parks Committee is hereby authorized to acquire by purchase or condemnation a site suitable for the construction of a beach park at or near Mukilteo, Washington: *Provided, however,* That construction will not begin until after the cessation of hostilities as declared by the President or the Congress of the United States.

State Park
at Mukilteo.

SEC. 2. The sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, is hereby appropriated for such purpose from the General Fund.

Appropriation.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

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CHAPTER 238.

[H. B. 417.]

HIGHWAYS.

AN ACT relating to public highways; establishing a survey for rerouting Primary State Highway No 5; prescribing the duties of certain state officers; making an appropriation therefor.

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

Survey for rerouting highway No. 5.

SECTION 1. The Director of Highways is hereby authorized and directed to make reconnaissance, preliminary and location survey for the rerouting of Primary State Highway No. 5, Auburn branch, from a point at the east entrance to Peasley Canyon, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5, Auburn-Enumclaw branch, near the east city limits of Auburn. The Director of Highways shall submit a report, maps and all other pertinent data concerning such reconnaissance, preliminary and location surveys, together with his conclusions and recommendations as to the feasibility of the route to the Legislature of the State of Washington at its next regular session.

Appropriation.

SEC. 2. In order to carry out the provisions of the foregoing section of this act and to pay all of the costs of said reconnaissance, preliminary and location surveys, there is hereby appropriated from the Motor Vehicle Fund to the Department of Highways the sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, to accomplish the purposes above set forth.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 239.

[H. B. 412.]

ACCESS TO STATE TIMBER.

AN ACT authorizing the state to acquire private property for access to state timber; providing for the sale or use of the same; and declaring an emergency.

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

SECTION 1. Whenever the Commissioner of Public Lands, the Board of State Land Commissioners, the Director of Conservation and Development or any other state officer, body or agency authorized to care for or sell timber, standing or fallen, on any of the public lands of the State of Washington, shall find it to be for the best interests of the State of Washington to acquire any property in private ownership for the purpose of affording access to said state timber from any public highway by road, or to acquire the use of a private road, the acquisition of such private property, or use thereof, is hereby declared to be necessary for the public use of the State of Washington, and any such state officer, body or agency is hereby authorized to acquire such lands by gift, purchase or condemnation.

Access to
state timber.

SEC. 2. The Attorney General of the State of Washington is hereby required and authorized to condemn any lands, or use thereof, found to be necessary for the public purposes of the State of Washington, as provided in section 1 of this act, and upon being furnished with a certified copy of the resolution of any state officer, body or agency, referred to in section 1 of this act, describing any lands found to be necessary for access by road to any state timber, the Attorney General shall immediately take steps to acquire said property by exercising the state's right of eminent domain under the provisions of sections 891 to 900, inclusive, of Remington's Re-

Condemna-
tion of right
of way.

vised Statutes, also Pierce's Perpetual Code 34-1 to -19, and in any condemnation action herein authorized, the certificate so describing the lands found to be necessary for access to any state timber shall be conclusive as to the public use and real necessity for the acquisition of said lands for a public purpose and said lands shall be awarded to the state without the necessity of either pleading or proving that the state officer, body or agency, as the case may be, was unable to agree with the owner or owners of said private property for its purchase. Any condemnation action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

Public purpose.

Precedence over actions.

Surveys.

SEC. 3. In the event the state officer, body or agency should determine it to be to the best interests of the state to acquire the fee title to any property for the purpose of affording access to any state timber, rather than the use of any private road, said state agency shall notify the Director of Highways of the State of Washington, who shall immediately make such surveys as may be necessary and furnish said state agency with a legal description of sufficient property for the establishment, construction and maintenance of a road sufficient for all logging purposes, which description shall form a part of the certificate of the state agency heretofore referred to and shall be conclusive as to the necessity of the property so described.

Property acquired.

Public highway.

In the event the Director of Highways shall require the property described, as provided in this section, and acquired, as provided in this act, for public highway purposes, he shall so notify the agency of the state requiring the acquisition of said property and the property so acquired shall become a part of the state highway system and be maintained as such by and through the Director of Highways, subject to any proper use for logging purposes.

In the event the Director of Highways shall not require the property described, as provided in this section, and acquired, as provided in this act, for public highway purposes, said property shall be sold by the state officer, body or agency authorizing the acquisition of such property, either with or without any state timber, when in the discretion of the agency charged with the duty of selling the timber, it is to the best interests of the State of Washington to do so.

When
property
may be sold.

SEC. 4. The state officer, body or agency acquiring any private property under the provisions of this act, either by purchase or condemnation, is hereby authorized to pay for the same out of any monies appropriated for the use of said state officer, body or agency which may be available, or with any monies which may be donated to the state officer, body or agency, as the case may be, for such purpose or provided for said state officer, body or agency, from any emergency fund, by the Governor of the State of Washington or otherwise for such purpose, and the total cost of acquiring such property or the use thereof shall be added to the selling price of any timber to which access has been afforded by means of the property acquired.

Payment for
purchase.

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

Effective im-
mediately.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 240.

[H. B. 403.]

PUBLIC FUNDS—DEPOSITARIES.

AN ACT relating to the deposit of public funds in banks by city treasurers; providing for the rate of interest thereon; requiring of such depositaries a surety bond or in lieu thereof the deposit of certain securities; authorizing the acceptance of insurance of deposits by the Federal Deposit Insurance Corporation; and amending section 1, chapter 118, Laws of 1913, as last amended by section 1, chapter 45, Laws of 1935 (section 5569, Remington's Revised Statutes, also Pierce's Perpetual Code 398-43), and amending section 2, chapter 22, Laws of 1907, as last amended by section 3, chapter 45, Laws of 1935 (section 5572, Remington's Revised Statutes, also Pierce's Perpetual Code 398-51).

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

Amendments. SECTION 1. Section 1, chapter 118, Laws of 1913, as last amended by section 1, chapter 45, Laws of 1935 (section 5569, Remington's Revised Statutes, also Pierce's Perpetual Code 398-43), is amended to read as follows:

Deposit of funds.

Section 1. Before any such designation shall become effectual and entitle the Treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten (10) days after the same is filed with the Comptroller, file with the Comptroller of such city a contract with the said city wherein said bank shall agree to pay such rate of interest on the cash daily balance of all municipal funds kept by such Treasurer in said bank, while acting as such depositary, as shall be fixed from time to time by the City Finance Committee; such payments to be made monthly to said city while said deposit continues in said depositary; said contract shall run to said city and be in such form as shall be approved by the Mayor and Corporation Counsel; and such bank shall also file with the Comptroller of such city a surety bond or bonds to such city to the amount of the deposits of such city that may be

Surety bonds or security required.

carried in such bank, conditioned for the prompt payment thereof on checks duly drawn by the said Treasurer; or in lieu thereof shall deposit with the said Comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten per cent (110%) of the amount of the funds deposited by said Treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States; Acceptable security.

(2) Direct and general obligation bonds and warrants of the State of Washington, or of any other state of the United States;

(3) 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;

(4) Bonds issued by public utility districts as authorized under the provisions of section 6 (f), chapter 1, Laws of 1931.

Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of such city and the sufficiency of such surety bonds or such securities shall be approved by the Mayor and Comptroller of such city. When such bonds have been duly approved and filed with the Comptroller of said city, he shall immediately certify to the City Treasurer the amount of bonds or securities filed by such bank or banks, whereupon the City Treasurer shall be authorized to make deposits in such bank: *Provided*, That in the event repayment Form and sufficiency approved.

of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such Treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities in lieu of such bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

SEC. 2. Section 2, chapter 22, Laws of 1907, as last amended by section 3, chapter 45, Laws of 1935 (section 5572, Remington's Revised Statutes, also Pierce's Perpetual Code 398-51), is amended to read as follows:

Sufficient
security
required.

Section 2. Before any such designation shall entitle the Treasurer to make deposits in such bank or banks, the bank or banks so designated shall within ten (10) days after the same is filed with the Comptroller or Town Clerk, file with the Comptroller or Town Clerk of such city or town a surety bond to such city or town in the maximum amount of deposits designated by said Treasurer to be carried in such bank, conditioned for the prompt payment thereof on checks duly drawn by the Treasurer, which surety bond shall be approved by the Mayor and Comptroller or Town Clerk of said city or town, or in lieu thereof shall deposit with the Treasurer any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten per cent (110%) of the amount of funds deposited by said Treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the State of Washington;

(3) 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;

(4) Bonds issued by public utility districts as authorized under the provision of section 6 (f), chapter 1, Laws of 1931: *Provided*, That any surety bond or securities offered to qualify any bank as a depository for the funds of any city or town shall not be considered sufficient unless and until the same be approved by the Mayor and Comptroller or Town Clerk of said city or town. Such banks shall also at the same time file with said Comptroller or Town Clerk a contract with said city or town wherein said bank shall agree to pay such rate of interest on the average daily balances where such balances exceed one thousand dollars (\$1,000) of all municipal funds kept by such Treasurer in said bank, while acting as such depository, as shall be fixed from time to time by the City Finance Committee; such payments to be made monthly to said city or town while said deposits continue in said depository; said contracts shall run to said city or town and be in such form as shall be approved by the Treasurer, Mayor and Corporation Counsel: *And provided further*, That in the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation,

Acceptable securities.

agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such Treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities in lieu of such bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 241.

[H. B. 450.]

RESEARCH IN ENGINEERING AND INDUSTRIAL PROBLEMS.

AN ACT providing scholarships or fellowships at the University of Washington; promoting research in engineering and industrial problems; and providing an appropriation.

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

SECTION 1. In order to further the development of advance studies in engineering there shall be established in the engineering laboratories of the University of Washington, ten (10) graduate scholarships and/or fellowships to the amount of one thousand dollars (\$1,000) and tuition each, per academic year. These scholarships shall be in the field of engineering which can best be used to aid the industrial development of the State of Washington and its resources. This graduate work shall be done in the laboratories of the University of Washington and

Scholarships
at University
for
engineering
research.

shall be directed along the lines of professional research and testing.

SEC. 2. The studies and results of such scholarships shall be published as bulletins or engineering reports of the university experiment station and shall be available to the public without cost. The provisions of this act shall include the individual scholarships, the cost of necessary supplies and materials and the cost of printing and distribution of the bulletins or engineering reports. The direction of this research program shall rest in the proper department or departments of the engineering college of the University and the candidates must meet the qualifications of the graduate school of the University for graduate students.

Studies
available
to public.

SEC. 3. There is hereby appropriated from the General Fund the sum of twenty-four thousand dollars (\$24,000) or so much thereof as may be necessary for the ensuing biennium to carry out the provisions of this act.

Appropriation.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 242.

[H. B. 467.]

TRANSFERS FROM GENERAL FUND.

AN ACT relating to the transfer and distribution of funds from the General Fund to certain other funds and declaring an emergency.

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

Transfers from General Fund.

SECTION 1. The Supervisor of the Budget in the Department of Finance, Budget and Business, or any person legally designated to perform the duties of Supervisor of the Budget, shall certify to the State Treasurer, on the twentieth day of March, 1945, and on the twentieth day of each month thereafter, the amounts to be transferred from the General Fund to the various funds designated in section 2 of this act during the succeeding month. The amounts so certified to the State Treasurer shall, as nearly as possible, equal one twenty-fourth (1/24th) of the total appropriation from the General Fund to each of the respective funds designated in section 2 of this act, after allowance has been made, in each case, for anticipated revenues from other sources and anticipated expenditures for extraordinary or non-recurring purposes.

Certification by Treasurer.

SEC. 2. The State Treasurer shall, on the fifth day of the month following the certification made pursuant to section 1 of this act, transfer the certified amounts from the General Fund to the following funds: The Current State School Fund, the University of Washington Fund, the Washington State College Fund, the Bellingham Normal School Fund, the Cheney Normal School Fund, and the Ellensburg Normal School Fund. No funds shall be transferred or distributed from the General Fund to any of the funds herein designated, whether pursuant to appropriation or otherwise, unless such transfer or distri-

bution is made in accordance with the provisions of this act.

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

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 243.

[H. B. 513.]

CONTINGENT RECEIPTS FUND.

AN ACT creating a Contingent Receipts Fund for use in the current and post-war development; providing for its management; making an appropriation of thirty million dollars; and declaring an emergency.

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

SECTION 1. The Legislature hereby expresses its intent to provide adequate provision for the receiving and disbursing of funds that might be received, in addition to those now contemplated, from the Federal Government during the ensuing biennium.

SEC. 2. There is hereby created a fund in the State Treasury to be known as the Contingent Receipts Fund in which shall be deposited all money received from the Federal Government or other sources, which has not been appropriated or allocated by the Legislature, under conditions requiring expenditure for specific purposes before convening of the next session of the Legislature. Contingent receipts fund created.

SEC. 3. The Governor is hereby designated the agent of the State of Washington to accept and receive all such funds and to deposit all such funds in the State Treasury to the credit of the Contingent Governor designated agent.

Receipts Fund herein created and the same shall be expended therefrom by his written authorization.

Reports of receipts to Governor.

SEC. 4. Whenever any money, from the Federal Government or from other sources, has actually been received and designated to be spent for a specific purpose, the head of any department, agency, board or commission through which such expenditure may properly be made, such department, agency, board or commission, shall submit to the Governor duplicate copies of a statement setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: *Provided*, That no expenditure shall be made in excess of the actual amount received, nor shall any money be expended for any purpose except the specific purpose for which it was received.

Approval.

SEC. 5. If the Governor shall approve such estimate in whole or part, he shall endorse on each copy of such statement his approval, together with a statement of the amount approved, and transmit one copy to the head of such department, agency, board or commission authorizing him to make the expenditure.

Appropriation.

SEC. 6. To carry out the purposes of this act, there is hereby appropriated from the Contingent Receipts Fund the sum of thirty million dollars (\$30,000,000).

Effective immediately.

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

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 244.

[H. B. 522.]

DES CHUTES WATER BASIN.

AN ACT making an appropriation for the development and construction of the Des Chutes Water Basin, designating certain duties to the State Capitol Committee in connection therewith and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the Capitol Building Construction Fund the sum of one million dollars (\$1,000,000) or so much thereof as may be necessary, for the development of the DesChutes water basin, including engineering and planning, land acquisition, and all necessary construction work, said work to be performed under the direction of the State Capitol Committee. All disbursements from this appropriation are to be made upon vouchers approved by the State Capitol Committee.

Appropriation for Des Chutes water basin.

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 public institutions, and shall take effect April 1, 1945.

Effective immediately.

Passed the House March 2, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 245.

[H. B. 366.]

WILD GAME REFUGES.

AN ACT relating to wild game and wild game refuges; authorizing the Director of Game to acquire by lease, purchase, gift or condemnation certain real property in Yakima County for use as a wild game refuge and for corraling deer and elk thereon; making an appropriation therefor; and declaring an emergency.

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

Wild game
refuges.

SECTION 1. The Director of Game is hereby authorized to acquire by lease, purchase, gift or condemnation the following described real property for purposes of use of the same by the State of Washington for a wild game refuge and in order to corral deer and elk thereon:

That part of the S $\frac{1}{2}$ of Section 7, Twp. 14 N., R. 16 E., W. M., lying south of the south bank of the Tieton River and north of the right of way of the Tieton Canal, EXCEPT right of way of the O. W. R. & N. Co., and of the state highway; containing 99.27 acres, more or less.

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT the east 60 feet thereof; S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying north of the right of way of the Tieton Canal EXCEPT the west 300 feet thereof and the state highway, all in Section 8, Twp. 14 N., R. 16 E., W. M., containing 167.40 acres, more or less.

Description
of lands.

All of that part of Section 9, Twp. 14 N., R. 16 E., W. M., lying north of the right of way of the Tieton Canal, LESS right of way for state highway, containing 365.00 acres, more or less.

NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ LESS that portion owned by the U. S. Reclamation Service and LESS the state highway, all in Section 10, Twp. 14 N., R. 16 E., W. M., containing 126.25 acres, more or less.

That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Twp. 14 N., R. 16 E., W. M., lying north and west of a line beginning at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section; thence south 252 feet; thence south 51 Deg. 30' west 965 feet; thence south 3 Deg. 50' west 422 feet; thence 545 feet west to the southwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section, containing 25.3 acres, more or less.

Description
of lands.

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Twp. 14 N., R. 16 E., W. M., lying north and west of a line beginning at the northeast corner of said part section; thence south 406 feet; thence south 32 Deg. 30' west 520 feet; thence south 64 Deg. 30' west, 1140 feet to southwest corner of said section, containing 29.5 acres, more or less.

Lot 1 and that part of Lot 2 lying north of the right of way of the Tieton Canal in Section 18, Twp. 14 N., R. 16 E., W. M.; that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the right of way of the Tieton Canal in Section 18, Twp. 14 N., R. 16 E., W. M., containing in all 92.02 acres, more or less.

That part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Twp. 14 N., R. 16 E., W. M., lying north and west of the right of way of the Tieton Canal, containing 34.6 acres more or less.

Lot 1 in Section 2, Twp. 14 N., R. 16 E., W. M., containing 40.46 acres, more or less.

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north and west of the Tieton River in Section 2, Twp. 14 N., R. 16 E., W. M., containing 3.00 acres, more or less.

That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the right of way of the Tieton Canal in Section 18, Twp. 14 N., R. 16 E., W. M., containing 8.2 acres, more or less, and that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying north and west of the Tieton Canal in Section 18, Twp. 14 N., R. 16 E., W. M., containing 1.2 acres, more or less.

SEC. 2. In order to carry out the purpose of this act and to make available to the Director moneys for payment for the lands above described and for

Appropriation.

payment of awards and costs in condemnation, there is hereby appropriated out of the State Game Fund to the Director of Game the sum of forty thousand dollars (\$40,000), or so much thereof as may become necessary for said purposes.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 2, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 246.

[H. B. 446.]

REGULATION AND CONTROL OF BEAVER.

AN ACT relating to beaver; providing for the regulation and control thereof by the State Game Commission; prescribing additional powers and duties for said commission; providing an appropriation, and declaring an emergency.

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

Beaver declared protected animal.

SECTION 1. For the purpose of properly administering, perpetuating, protecting and maintaining the beaver of the State of Washington, the same is hereby declared to be a protected fur-bearing animal and may be hunted, trapped, killed or possessed or the pelts thereof sold only by the State Game Commission acting through the Director of Game or his duly authorized representatives and pursuant to rules and regulations of said Commission promulgated hereunder.

SEC. 2. The State Game Commission is hereby empowered to make reasonable rules and regulations for purposes of administration and enforcement

of this act and for regulating propagation, hunting, trapping, killing and possession of beaver and the sale of beaver skins. The State Game Commission, acting through the Director of Game, may enter into cooperative agreements with private landowners for the perpetuation, propagation, hunting, trapping and killing of beaver upon the land of said owners. Under any such agreement the said Commission, acting through the Director of Game, shall designate therein the maximum number of beaver which may be taken each year from the land of the owner without impairing the supply thereof. All taking, hunting, trapping, killing of beaver shall be done hereunder only by the State Game Commission, acting through the Director of Game or his duly authorized representatives, with costs thereof to be paid out of the State Game Fund.

Rules for taking beaver.

SEC. 3. All beaver skins obtained by the Director of Game or his representatives under any cooperative agreement made with any landowner, under the foregoing provisions hereof, shall be sold to licensed fur buyers only at auction to the highest bidder. The time of any sale shall be within the discretion of the Director of Game. From the proceeds of such sales there shall be paid on voucher to the State Treasurer to the owner of the land upon which the beaver was or beavers were taken under any cooperative agreement, such amount as shall have been provided therein with the balance of such proceeds to be, by the Director of Game, deposited with the State Treasurer in the State Game Fund. In the making of any cooperative agreement under the provisions of this act the State Game Commission, acting through the Director of Game, may provide therein for compensation to the landowner as in its discretion may be deemed just and reasonable based upon a percentage payment per pelt sold or upon a fixed fee basis or otherwise.

Sale of skins

Compensation of landowner.

Trapping
and hunting
of beaver.

SEC. 4. The State Game Commission, acting through the Director of Game or his duly authorized representatives, is hereby empowered to hunt, trap or kill beaver on private lands when the owners thereof are suffering damage and do not desire to maintain beaver under a cooperative agreement. Beaver may likewise be hunted, trapped or killed on public lands by the Director of Game or his duly authorized representatives, whenever and wherever the State Game Commission deems it necessary and advisable. All skins so obtained shall be sold in the same manner above provided with all proceeds from such sales deposited in the State Game Fund.

Tagging
of skins.

SEC. 5. All beaver skins taken under the provisions of this act, prior to sale shall be, by the Director of Game or his representatives, properly cared for, preserved and tagged with a seal.

Penalty.

SEC. 6. The hunting, trapping, taking or killing of any beaver or the possession of the skin or part thereof of any beaver killed within this state, except as provided in this act is hereby declared to be unlawful, and any person, firm or corporation hunting, trapping, taking or killing any beaver or possessing the skin or part thereof of any beaver killed within this state, excepting as provided in this act, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars (\$250) or not more than one thousand dollars (\$1,000), or by imprisonment of not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment.

Appropriation.

SEC. 7. There is hereby appropriated from the State Game Fund the sum of forty thousand dollars (\$40,000) or so much thereof as may be necessary to carry out the provisions of this act: *Provided, however,* That in no event shall the expenditures hereunder exceed the receipts received under the provisions of this act.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on April 1, 1945. Effective immediately.

Passed the House February 28, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 247.

[H. B. 88.]

NURSERY SCHOOLS.

AN ACT relating to education, providing for the establishment of nursery schools and schools for the care of children of working mothers, authorizing school districts to operate such schools as a part of their common school program, amending section 1, chapter 220, Laws of 1943, and repealing section 6, chapter 220, Laws of 1943, establishing a Division of Recreation; authorizing school districts to operate recreation programs; providing special aid therefor; providing advisory committees; authorizing the receipt and administration of Federal funds; making an appropriation and providing for disbursements therefrom, and declaring an emergency.

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

SECTION 1. Section 1, chapter 220, Laws of 1943, is hereby amended to read as follows:

Nursery schools authorized.

Section 1. The Board of Directors of any school district shall have the power to establish and maintain nursery schools and to provide before and after school and vacation care in connection with the common schools of said district located at such points as the Board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The Board shall establish such courses, activities, rules, and regulations governing nursery schools and be-

fore and after school care as it may deem best: *Provided, however,* That these courses and activities shall meet the minimum standard for nursery schools as established by the United States Children's Bureau and the State Superintendent of Public Instruction. The Board of Directors may fix a reasonable charge for the care and instruction of children attending such schools. The Board may, if necessary, supplement such funds as are received from the said Superintendent of Public Instruction or any agency of the Federal Government, by an appropriation from the General School Fund of the district.

Act repealed. SEC. 2. Section 6, chapter 220, Laws of 1943, is hereby repealed.

Division of Recreation. SEC. 3. There is hereby established in the office of the Superintendent of Public Instruction a division of special educational service, to be known as the Division of Recreation.

Supervisor. SEC. 4. The Superintendent of Public Instruction shall appoint a Supervisor who shall be qualified for such position by training and experience, and shall fix his salary. The Supervisor shall coordinate and supervise the programs of recreation operated by the school districts of the state. He shall cooperate with County Superintendents of Schools and with school district officers and teachers and encourage the establishment of local recreation programs. He shall also meet with and consult with recreation committees as provided in section 7 of this act.

Recreational services authorized. SEC. 5. School district officers and teachers shall cooperate with the Superintendent of Public Instruction and with the Supervisor, and school districts may give such recreation services as their facilities will permit. School districts may purchase and own recreation equipment and facilities, with the approval of the Supervisor, and may pay

for the same out of their general fund budgets. They may employ special recreation instructors, with the approval of the Supervisor, and may pay their salaries and compensation out of their general fund budgets. Such expenditures may be partially or wholly reimbursed from funds appropriated under section 8 of this act under rules and regulations established by the Superintendent of Public Instruction.

Instructors.

SEC. 6. Any school district may, with the approval of the Supervisor, extend its recreation program to include adults residing within the district or community when the welfare of the district or community will be subserved thereby, provided the cost of such extended recreation program to include adults in any school district shall not be paid from any school district funds other than receipts from allocations made by the Superintendent of Public Instruction to such school district from the appropriation herein provided or Federal or other funds made available for that purpose.

Extension of program.

SEC. 7. School district officers and the County Superintendents of Schools may appoint local and/or county advisory recreation committees or designate existing community committees, with the advice of the Supervisor. Such advisory recreation committees shall be appointed from representatives of public and private youth serving agencies and citizens interested in the educational and social welfare of children and adults. The duties of advisory recreation committees shall be to meet with school district officers and the Supervisor for the purpose of discussing and planning the establishment and operation of recreation programs.

Advisory committees.

SEC. 8. To carry out the purpose of section 9 of this act, there is hereby appropriated from the General Fund to the Superintendent of Public Instruction the sum of two hundred fifty thousand

Appropriation.

dollars (\$250,000). Expenditures under this appropriation shall be made by warrants issued by the State Auditor upon certificates issued by the Superintendent of Public Instruction covering allocations made to school districts for their relief and assistance as provided in section 9 of this act.

Allocations from appropriation.

SEC. 9. Allocations from the appropriation herein provided may be made by the Superintendent of Public Instruction to school districts for their relief and assistance in establishing and maintaining recreation programs as in this act provided. In addition to allocations for direct relief and assistance, special allocations from the appropriation herein provided may be made by the Superintendent of Public Instruction to school districts for the purpose of underwriting allocations made by or requested from Federal funds pending receipt of such Federal funds.

Effective immediately.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 248.

[H. B. 363.]

HIGHWAYS AND BRIDGES WITHIN STATE PARKS.

AN ACT relating to vehicular roads, highways and bridges within state parks; and making an appropriation therefor, and providing for an additional secondary state highway as a branch of Primary State Highway No. 1.

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways the sum of one hundred fifty thousand dollars (\$150,000) for carrying out the purposes of section 1, chapter 253, Laws of 1943 (section 6402-35, Rem. Supp. 1943), which sum shall be deducted before ascertaining the net tax amount in the Motor Vehicle Fund to be credited to the incorporated cities and towns and to the counties of the State of Washington under the provisions of section 3, chapter 181, Laws of 1939 (section 6600-1e, Remington's Revised Statutes, Volume 7A), or any subsequent amendment thereof.

Appropriation for highways and bridges within state parks.

SEC. 2. There is hereby established as a branch of Primary State Highway No. 1 a secondary state highway to be known and referred to as Secondary State Highway No. 1Y as follows: Beginning at a junction with Primary State Highway No. 1 in the vicinity east of East Stanwood; thence in a westerly direction by the most feasible route to a junction with Secondary State Highway No. 1E in the vicinity of East Stanwood; thence in a westerly direction by the most feasible route by way of Stanwood and over a bridge to a point on Camano Island known as Mc-Eachern's Corner.

Branch of Primary Highway No. 1 made a secondary.

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.

CHAPTER 249.

[H. B. 353.]

TAXATION.

AN ACT relating to revenue and taxation; amending section 5, chapter 180, Laws of 1935, as last amended by section 2, chapter 156, Laws of 1943 (section 8370-5, Remington's Revised Statutes, also Pierce's Perpetual Code 965-3-17-19), section 11, chapter 180, Laws of 1935, as last amended by section 4, chapter 156, Laws of 1943 (section 8370-11, Remington's Revised Statutes), section 12, chapter 180, Laws of 1935 (section 8370-12, Remington's Revised Statutes), section 17, chapter 180, Laws of 1935, as last amended by section 6, chapter 156, Laws of 1943 (section 8370-17, Remington's Revised Statutes, also Pierce's Perpetual Code 982-5-9), section 19, chapter 180, Laws of 1935, as last amended by section 7, chapter 156, Laws of 1943 (section 8370-19, Remington's Revised Statutes), section 32, chapter 180, Laws of 1935, as last amended by section 9, chapter 156, Laws of 1943 (section 8370-32, Remington's Revised Statutes, also Pierce's Perpetual Code 967-5-7-13), section 33, chapter 180, Laws of 1935, as last amended by section 10, chapter 178, Laws of 1941 (section 8370-33, Remington's Revised Statutes), section 35, chapter 180, Laws of 1935, as last amended by section 10, chapter 156, Laws of 1943 (section 8370-35, Remington's Revised Statutes), section 96, chapter 180, Laws of 1935, as last amended by section 1, chapter 118, Laws of 1941 (section 8370-96, Remington's Revised Statutes), section 188, chapter 180, Laws of 1935, as last amended by section 27, chapter 225, Laws of 1939 (section 8370-188, Remington's Revised Statutes, also Pierce's Perpetual Code 962-7), and section 211, chapter 180, Laws of 1935, as last amended by section 12A, chapter 156, Laws of 1943 (section 8370-211, Remington's Revised Statutes, also Pierce's Perpetual Code 972-1), and declaring an emergency.

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

Amend-
ment.

SECTION 1. Section 5, chapter 180, Laws of 1935, as last amended by section 2, chapter 156, Laws of 1943 (section 8370-5, Remington's Revised Statutes, also Pierce's Perpetual Code 965-3), 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; Tax 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, company, 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; Person.
Company.

(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 subsection (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; Sale.

(d) The term "sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated or imprinted) other than a sale to one who purchases for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to Sale at retail.

create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The said term also means every sale of tangible personal property to persons engaged in any business which is taxable under section 4 (f) (2) and section 4 (g) hereof.

Sale at
retail.

The term "sale at retail" or "retail sale" shall be construed to include the sale of or charge made for tangible personal property consumed and for labor and services rendered in respect to the following: (1) the installing, repairing, cleaning, altering, imprinting or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the Tax Commission may prescribe.

Not
included.

The said term shall not include the sale of or charge made for labor and services rendered in respect to the mere cleaning, fumigating, razing, or moving of existing buildings or structures, or the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool,

fur, meat, honey or other substances obtained from animals, birds or insects.

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property and any sale of or charge made for labor and services rendered in respect to real or personal property, which is not a sale at retail; Sale at wholesale.

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and for services rendered without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; Gross proceeds of sales.

(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; Gross income of the business.

(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 Value proceeding or accruing.

sale may be reported as of the dates when the payments become due;

Extractor.

(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 products, or takes, cultivates, or raises fish, shell fish, or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others;

Manu-
facturer.

(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;

To manu-
facture.

(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;

Commercial
use.

(l) The term "commercial use" means the following uses of products by the extractor or manufacturer thereof:

(1) Manufacturing of articles, substances or commodities from extracted products;

(2) Leasing or renting of extracted or manufactured products;

(3) Consigning, shipping or transferring extracted or manufactured products to another either without consideration or in the performance of contracts;

(4) Any other use of products extracted or manufactured on a commercial scale under such rules and regulations as the Tax Commission shall prescribe;

(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; Business.

(n) The term "engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business; Engaging in 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; Cash discount.

(p) The term "tuition fee" shall be construed to include library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution: *Provided*, That the term "educational institution," as used herein, shall be construed to mean only those institutions created or generally accredited as such by the state and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately en- Tuition fee.

dowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, other trade schools or similar institutions;

Successor.

(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 the following:

Consumer.

(1) Any person who purchases, acquires, owns, holds or uses any article of tangible personal property other than for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in the business of rendering professional or personal services to persons (as distinguished from services rendered to property of persons) and who are taxable under section 4 (g) hereof;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, in respect, however,

only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted or otherwise altered by a person engaged in business, excluding only the United States of America, the State of Washington and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes; Consumer.

(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. In this state.

SEC. 2. Section 11, chapter 180, Laws of 1935, as last amended by section 4, chapter 156, Laws of 1943 (section 8370-11, Remington's Revised Statutes, also Pierce's Perpetual Code 965-17), is amended to read as follows: Amendment.

Section 11. The provisions of this title shall not apply to:

(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; Persons and business exempt.

(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;

Persons and
business
exempt.

(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;

(d) Any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural product or crop, including the raising for sale of any animal, bird or insect, or the milk, eggs, wool, fur, meat, honey or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer or raiser thereof. This exemption shall not apply to any person selling such products at retail; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stock yard or a slaughter or packing house; nor to any association of persons whatever, whether mutual, co-operative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this title;

(e) Any person in respect to the business of conducting boxing contests and sparring and/or wrestling matches and exhibitions for the conduct of which a license must be secured from the State Athletic Commission;

(f) Any person in respect to the business of conducting race meets for the conduct of which a license must be secured from the Horse Racing Commission;

(g) Any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor;

Persons and
business
exempt.

(h) Fraternal benefit societies, as defined in Rem. Rev. Stat., section 7259, also Pierce's Perpetual Code 659-1, fraternal fire insurance associations, as described in subdivision third of Rem. Rev. Stat., section 7131, also Pierce's Perpetual Code 668-1, and beneficiary corporations or societies organized under and existing by virtue of Rem. Rev. Stat., sections 3872 to 3883, also Pierce's Perpetual Code 457-1 to 23, 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, also Pierce's Perpetual Code 457-15;

(i) The gross sales or the gross income received by corporations which have been incorporated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(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;

(k) National banks, state banks, trust companies, mutual savings banks, building and loan and savings and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any

other business taxable hereunder, even though such other business be conducted primarily for the purpose of liquidating the assets thereof;

(l) Amounts derived by persons engaged in operating chick hatcheries, from the production and sale of chicks and hatching eggs;

(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-
ment.

SEC. 3. Section 12, chapter 180, Laws of 1935 (section 8370-12, Remington's Revised Statutes, also Pierce's Perpetual Code 965-19), is amended to read as follows:

Section 12. In computing tax there may be deducted from the measure of tax the following items:

(a) Amounts derived by persons, other than those engaging in banking, loan, security or other financial businesses, from investments or the use of money as such;

Deductible
tax items.

(b) Amounts derived from *bona fide* initiation fees, dues, contributions, donations, tuition fees and endowment funds. The provisions of this paragraph shall not be construed to exempt any person, association or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others: *Provided*, That dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(c) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive and/or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of section 7;

(d) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(e) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the State of Washington or the United States government upon the sale thereof;

(f) Amounts derived from business which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(g) Amounts derived by any person as compensation for the receiving, washing, sorting and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in subsection (d) of section 11, this title, either as agent or as independent contractor;

Deductible
tax items.

(h) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital or other institution devoted to the care of human beings with respect to the prevention or treatment of disease, sickness or suffering, when such hospital or other institution is operated by the United States of America or any of its instrumentalities, or by the State of Washington, or any of its political subdivisions;

(i) Amounts derived as compensation for services rendered to patients by a hospital or other institution which is organized as a non-profit corporation devoted to the care of human beings with respect to the prevention or treatment of disease, sickness or suffering: *Provided*, That no part of the net earnings received by such an institution shall inure, directly or indirectly, to any person other than the institution entitled to deduction hereunder: *Provided further*, That in no event shall any such deduction be allowed; unless the hospital building is entitled to exemption from taxation under the

property tax laws of this state, and unless the superintendent or other proper officer of the institution shall, under oath, make annual reports to the State Board of Health of its receipts and disbursements during the preceding year, specifying in detail the sources from which receipts have been derived, and the object to which disbursements have been applied, and shall furnish in said report full and complete vital statistics for the use and information of the State Board of Health: *And provided further*, That the deductions allowed under this subsection (i) shall apply retroactively from May 1, 1941, and in the event any such hospital or other institution has heretofore paid to the state a tax measured by such income received subsequent to April 30, 1941, such tax shall be refunded on written request of the taxpayer made to the Tax Commission and the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Amend-
ment.

SEC. 4. Section 17, chapter 180, Laws of 1935, as last amended by section 6, chapter 156, Laws of 1943 (section 8370-17, Remington's Revised Statutes, also Pierce's Perpetual Code 982-5), is amended to read as follows:

Section 17. For the purposes of this title, unless otherwise required by the context:

Selling
price.

(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 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;

Seller.

(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, and also the State of Washington, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

Buyer.

Consumer.

(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," "consumer," "in this state" and "within this state" shall apply equally in the provisions of this title.

Definitions restated.

SEC. 5. Section 19, chapter 180, Laws of 1935, as last amended by section 7, chapter 156, Laws of 1943 (section 8370-19, Remington's Revised Statutes, also Pierce's Perpetual Code 982-9), is amended to read as follows:

Amendment.

Section 19. The tax hereby levied shall not apply to the following sales:

Sales not taxable.

(a) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under titles II, V or XIII of this act, or unless the article sold at a casual or isolated sale was purchased by the seller at a sale which was not taxable under this title;

(b) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under title V or title VI of this act, when the gross proceeds from such sales must

be included in the measure of the tax imposed under said title V or title VI;

(c) The distribution and newsstand sale of newspapers;

(d) Sales which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(e) Sales of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5, (section 8327-5 of Remington's Revised Statutes);

Sales not taxable.

(f) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to a person for use in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act;

(g) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(h) Sales to corporations which have been incorporated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(i) Sales of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association.

SEC. 6. Section 32, chapter 180, Laws of 1935, as last amended by section 9, chapter 156, Laws of 1943

(section 8370-32, Remington's Revised Statutes, also Pierce's Perpetual Code 967-5), is amended to read as follows: Amendment.

Section 32. The provisions of this title shall not apply:

(a) In respect to the use of any article of tangible personal property brought into the State of Washington by a non-resident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a non-transitory business activity within the state; or in respect to the use of household goods, personal effects and private automobiles by a *bona fide* resident of this state, if such articles were acquired by such person in another state while a *bona fide* resident thereof and primarily for use outside this state: *Provided*, Such use was actual and substantial and such articles were acquired at least three months prior to the time he became a resident of this state; Property not taxable.

(b) In respect to the use of any article of tangible personal property purchased at retail or acquired by gift if the sale thereof to the user or to the donor has already been subjected to tax under title III of this act and such tax has been paid by the purchaser or donor;

(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;

(d) In respect to the use of rolling stock or aircraft or floating equipment of a common carrier, the first use of which within the state is actual use in conducting interstate or foreign commerce;

(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;

(f) In respect to the use of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, sec-

tion 5 (section 8327-5, Remington's Revised Statutes);

(g) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by a person in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act;

Property not taxable.

(h) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity: *Provided*, Such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(i) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

Nothing herein contained shall be construed to exempt from the tax imposed by this title, the use of any article of tangible personal property whether acquired through a casual sale or otherwise, except as is specifically provided in this section 32;

(j) In respect to use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association;

vetoed. { (k) In respect to the use of tangible personal property sold or purchased at a casual or isolated sale.

SEC. 7. Section 33, chapter 180, Laws of 1935, as last amended by section 10, chapter 178, Laws of 1941 (section 8370-33, Remington's Revised Statutes, also Pierce's Perpetual Code 967-7), is amended to read as follows: Amend-
ment.

Section 33. Every person who maintains in this state a place of business or a resident agent or a stock of goods shall obtain from the Tax Commission a certificate of registration, and shall, at the time of making sales of tangible personal property for use in this state, collect from the purchasers the tax imposed under this title. Certificate
of
registration.

Every person who engages in this state in the business of acting as an independent selling agent for persons that do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this title, and for that purpose shall be deemed a retailer as defined in section 35 hereof. Seller
without
certificate
a retailer.

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 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. Tax held
in trust.

Penalty. 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.

Amendment. SEC. 8. Section 35, chapter 180, Laws of 1935, as last amended by section 10, chapter 156, Laws of 1943 (section 8370-35, Remington's Revised Statutes, also Pierce's Perpetual Code 967-13), is amended to read as follows:

Section 35. For the purposes of this title:

Value of the article used.

(a) The term "value of the article used" shall mean the consideration paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this title. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used and the cost of transportation by a common carrier. In case the article used is acquired by gift or is produced or manufactured by the person using the same or is sold under conditions wherein the purchase price, including the cost of transportation, does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the Tax Commission may prescribe;

Used.

Put to use.

(b) The terms "use," "used," "using" or "put to use" mean any act by which the taxpayer takes or assumes dominion or control over the article of tangible personal property after delivery thereof is

completed within this state, and shall include installation, storage, withdrawal from storage or any other act preparatory to subsequent actual use or consumption within this state: *Provided*, That tax liability under this title shall arise only as to that use as defined hereunder which first occurs within this state and no further tax shall be imposed under this title upon the same person with respect to any other subsequent use of the same article;

(c) The word "taxpayer" and the word "purchaser" as used in this title, shall include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in titles II and III of this act;

Taxpayer.
Purchaser.

(d) The word "retailer," as used in this title, shall mean every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this title;

Retailer.

(e) The meaning ascribed to words and phrases in titles I, II and III and all the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this title.

Definitions restated.

SEC. 9. Section 188, chapter 180, Laws of 1935 as last amended by section 27, chapter 225, Laws of 1939 (section 8370-188, Remington's Revised Statutes, also Pierce's Perpetual Code 962-7), is amended to read as follows:

Amendment.

Section 188. If, upon examination of any returns or from other information obtained by the Tax Commission it appears that a tax or penalty has been paid less than that properly due, the Tax Commission shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of not more than six per cent (6%) per annum from the respective due dates of such additional amount until date of such assessment.

Assessments of additional tax due.

Notice of
additional
tax due.

The Tax Commission shall notify the taxpayer by mail of such additional amount and the same shall become due and shall be paid within ten days from the date of such notice, or within such further time as the Tax Commission may provide. If payment is not received by the Tax Commission by the due date of such notice, the Tax Commission may add a penalty of ten per cent of the amount of the additional tax found due. If the Tax Commission finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty per cent (50%) of the additional tax found to be due may be added.

Penalty.

Tax paid
in excess
of amount
due.

If, upon examination of any returns or from other information obtained by the Tax Commission it appears that a tax has been paid in excess of that properly due, the Tax Commission shall notify the taxpayer by mail and the amount of such excess shall be credited against any tax or installment thereof then due or to become due from the taxpayer under any other subsequent return for the same year, and any balance of such excess at the end of such tax year, or upon the filing of a final return upon ceasing business, shall be refunded on request of the taxpayer by means of vouchers approved by the Tax Commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Credit.

Amend-
ment.

SEC. 10. Section 211, chapter 180, Laws of 1935, as last amended by section 12A, chapter 156, Laws of 1943 (section 8370-211, Remington's Revised Statutes, also Pierce's Perpetual Code 972-1), is amended to read as follows:

Tax
deposited
in General
Fund.

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 shall deposit the same to the credit of the state General Fund.

SEC. 11. This act is necessary for the support of the state government and its existing institutions, and shall take effect on May 1, 1945. Effective
May 1, 1945.

Passed the House March 8, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945, with the exception of subsection (k) of Section 6, which is vetoed.

CHAPTER 250.

[S. B. 118.]

HIGHWAYS.

AN ACT relating to State highways through incorporated cities and towns; and amending section 61, chapter 187, Laws of 1937 (section 6450-61, Remington's Revised Statutes, also Pierce's Perpetual Code 604-3), to provide for expenditures of State funds on such highways; authorizing the construction of a bridge across Port Washington Narrows between Bremerton and the Manette Peninsula; making an appropriation; and declaring an emergency.

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

SECTION 1. That section 61, chapter 187, Laws of 1937 (section 6450-61, Remington's Revised Statutes, also Pierce's Perpetual Code 604-3), is amended to read as follows: Amend-
ment.

Section 61. The Director of Highways shall determine what city streets, if any, in any such incorporated cities and towns shall form a part of the route of any primary or secondary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the State Auditor and one copy to the clerk of each incorporated city and town, which streets, if any, in such city or town are designated as forming a part of the route of a primary or Mainte-
nance of
highways
through
cities or
towns.

secondary state highway through such city or town; and on such streets the Director of Highways is authorized to expend any state funds available therefor for construction and maintenance, and for acquisition of rights of way, by purchase, gift or condemnation. Any such condemnation proceeding shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

SEC. 2. The Director of Highways is authorized and directed to construct a bridge across Port Washington Narrows connecting Primary State Highway No. 21 at or near Bremerton with Secondary State Highway No. 21B on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands, as are necessary or proper for the approaches to such bridge and relocating any portion of said highway to locate said bridge at the most feasible place. Said bridge shall become and be maintained as a part of the state highway system.

Vetoed.

The sum of seven hundred and fifty thousand dollars (\$750,000), or so much thereof as may be necessary, is appropriated from the Motor Vehicle Fund to the Director of Highways to be used, together with any funds appropriated by the Federal Government, in the accomplishment of the purposes of this act.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 7, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 19, 1945, with the exception of section 2, which is vetoed.

CHAPTER 251.

[S. B. 176.]

CLOSING AGREEMENTS.

AN ACT relating to revenue and taxation, providing for closing agreements between the Tax Commission of the State of Washington and taxpayers under the provisions of chapter 180, Laws of 1935, as now amended or as hereafter amended, and declaring an emergency.

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

SECTION 1. The Tax Commission of the State of Washington, with concurrence of all three Tax Commissioners, is authorized to enter into an agreement in writing with any person, as "person" is defined in section 5, chapter 180, Laws of 1935, as now amended or as hereafter amended (section 8370-5, Remington's Revised Statutes, also Pierce's Perpetual Code 965-3), relating to the liability of such person in respect of any tax imposed by any of the titles of chapter 180, Laws of 1935, as now amended or as hereafter amended, and for any taxable period or periods.

Agreements
with persons
liable
for tax.

SEC. 2. Upon approval of such agreement, evidenced by execution thereof by the Tax Commission of the State of Washington and the person or persons so agreeing, such agreement shall be final and conclusive as to tax liability or tax immunity covered thereby, and, except upon a showing of fraud or malfeasance, or of misrepresentation of a material fact:

Agreement
final.

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee or agent of the State of Washington, or the taxpayer, and

(2) In any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in ac-

cordance therewith, shall not be annulled, modified, set aside, or disregarded.

Effective immediately.

SEC. 3. This act is necessary for the support of the state government and its existing institutions, and shall take effect on May 1, 1945.

Passed the Senate February 25, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 17, 1945.

CHAPTER 252.

[S. B. 241.]

AERONAUTICS.

AN ACT relating to airports; creating office and fixing the duties of Director of Aeronautics and State Aeronautics Advisory Committee; providing for the acquisition of property for airport purposes and appropriating monies therefor.

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

Director of Aeronautics.

State Aeronautics Advisory Committee.

SECTION 1. The Governor shall appoint a Director of Aeronautics and a State Aeronautics Advisory Committee, who shall serve at the pleasure of the Governor. The Advisory Committee shall consist of six (6) members, one of whom shall be appointed from each congressional district of the state. Each member shall serve until the appointment and qualification of his successor. All members of the committee shall be citizens and bona fide residents of the state and of the congressional district they represent.

Qualifications of Director.

SEC. 2. The Director of Aeronautics shall have the following qualifications:

(1) The person selected as Director of Aeronautics shall be appointed with due regard to his fitness, by knowledge and experience in aeronautics, and for the efficient dispatch of the powers and duties vested in and imposed upon him by this act.

(2) The Director of Aeronautics shall not be actively engaged or employed in any other business, vocation or employment nor shall he have any pecuniary interest in or any stock in or any bonds of any civil aeronautics enterprise.

SEC. 3. The Director shall have the following powers and duties: Powers and duties of Director.

(1) To establish a state airport system consistent with the Federal airport program.

(2) To contract with any person, municipality and other sub-division of the state, or the Federal Government, relative to the acquisition, construction, establishment and operation of airports and related facilities.

(3) To acquire property, real and personal, for airport use, by purchase or condemnation in the manner that similar property is acquired by the State Highway Department.

(4) To hold such property in the name of the state and generally manage, rent, lease and dispose of such property and to fix and collect charges for the use of airport facilities.

(5) To sue and be sued and to intervene in the name of the state in all legal actions affecting aeronautics.

(6) To establish standards and issue certificates of approval for airports and to revoke such certificates when the interests of public safety so require.

(7) To maintain offices in Olympia and such other places as may be necessary.

(8) To hire such assistants, technical and clerical employees, as may be required, together with supplies and equipment necessary to perform his duties.

SEC. 4. The actions of the Director of Aeronautics shall be subject to review by the Superior Court in the manner providing for reviews of the orders of the Department of Labor and Industries. Actions subject to review.

Prepare plans and make report.

SEC. 5. The Director of Aeronautics and the State Aeronautics Advisory Committee shall prepare studies on matters relating to aeronautical development in this state and shall report to the Governor on or before the 31st of December, 1946, and annually thereafter, on the progress of such development. It shall study legislation relative to aeronautics and include legislative recommendations in such report.

Penalty.

SEC. 6. It shall be unlawful for any person, firm or corporation to operate an airport without a certificate of approval. Any person, firm or corporation who commits any act in violation of this section, shall be guilty of a gross misdemeanor.

Rules and regulations.

SEC. 7. The Director of Aeronautics together with the Advisory Committee shall be empowered to establish rules and regulations pertaining to aeronautics, consistent with established Federal rules and regulations.

Salary.

SEC. 8. The Director of Aeronautics shall be paid a salary of not to exceed seven thousand five hundred dollars (\$7,500) per year. The members of the Aeronautics Committee shall be reimbursed for necessary expenses incurred in the performance of their duties and shall receive ten dollars (\$10) for each day devoted thereto.

Vetoed.

SEC. 9. There is hereby appropriated from the General Fund of the state the sum of two hundred thousand dollars (\$200,000) for the purposes of this act.

Partial invalidity.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. This act may be cited as the "State Aero- Title.
nautic Department Act."

Passed the Senate February 24, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 19, 1945, with the exception of section 9, which is vetoed.

CHAPTER 253.

[S. B. 153.]

TAXATION OF REAL AND PERSONAL PROPERTY.

AN ACT relating to taxation of real and personal property; providing limiting rates of levy; amending section 1, chapter 176, Laws of 1941; and repealing various acts and parts of acts.

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

SECTION 1. Section 1, chapter 176, Laws of 1941 (section 11238-1e, Remington's Revised Statutes, 1941 Supp., also Pierce's Perpetual Code 979-485), is amended to read as follows: Amend-
ment.

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 and the State College of Education; the levy by any county shall not exceed ten (10) mills including any levy for the county Limit on
tax levy
on real and
personal
property.

Tax levy
on real and
personal
property.

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 ten (10) 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 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 interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein.

Excess
levies.

Election for
issuance
of general
obligation
bonds.

Passed the Senate March 6, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 17, 1945.

CHAPTER 254.

[H. B. 184.]

DISPOSAL OF COUNTY PROPERTY.

AN ACT relating to counties and the disposal of county property; and repealing sections 2 to 7 inclusive; chapter 76, Laws of 1891 as last amended by sections 1 to 2, chapter 8, Laws of 1915 (sections 4008 to 4014, Remington's Revised Statutes, also Pierce's Perpetual Code 487-3 to -15).

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

Disposal
of county
property.

SECTION 1. Whenever the Board of County Commissioners desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two hundred dollars (\$200);
- (4) When the Board by a resolution setting forth the facts has declared an emergency to exist it shall publish notice of its intention so to do once each week during two (2) successive weeks in three (3) different legal newspapers published in the county, or if there are less than three (3) in as many legal newspapers as are published in the county.

SEC. 2. The notice of hearing on the proposal to dispose of any county property must particularly describe the property or portion thereof proposed to be sold and designate the place where and the day and hour when a hearing will be held thereon and be posted in a conspicuous place in the court house. Both posting and the date of first publication must be at least ten (10) days before the day set for the hearing.

SEC. 3. The Board shall hold a public hearing upon a proposal to dispose of county property at the day and hour fixed in the notice at their usual place of business and admit evidence offered for and

against the propriety and the advisability of the proposed action. Any taxpayer in person or by counsel may submit evidence and submit an argument, but the Board may limit the number to three (3) on a side. Public hearing.

SEC. 4. Within three (3) days after the hearing upon a proposal to dispose of county property, the Board of County Commissioners shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record. Findings recorded.

SEC. 5. Sales of all personal property must be for cash except: Sales.

(1) When property is transferred to a governmental agency;

(2) When the county property is to be traded in on the purchase of a like article, in which case the proposed cash allowance for the trade-in must be part of the proposition to be submitted by the seller in the transaction.

SEC. 6. The Board may advertise and sell used highway or other equipment belonging to the county or to any taxing division thereof which is subject to its jurisdiction, in the manner prescribed for the sale of county property, or it may trade it in on the purchase of new equipment. If the Board elects to trade in the used equipment it shall include in its call for bids on the new equipment a notice that the county has for sale or trade-in used equipment of a specified type and description which will be sold or traded in on the same day and hour that the bids on the new equipment are opened. Any bidder on the new equipment may include in his offer to sell, an offer to accept the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance. Trades of used equipment.

In determining the lowest and best bid on the new equipment the Board shall consider the net cost to the county of such new equipment after trade-in

allowances have been deducted. The Board may accept the new equipment bid of any bidder without trading in the used equipment but may not require any such bidder to purchase the used equipment without awarding the bidder the new equipment contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the Board shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county.

Sale at
public
auction.

SEC. 7. All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be made by the County Treasurer at a designated place in the court house to the highest and best bidder at public auction.

Publication
of notice.

SEC. 8. Whenever county property is to be sold at public auction, the County Auditor shall publish notice thereof once during each of two (2) successive calendar weeks in three (3) different newspapers published in the county or if there are less than three (3), in as many newspapers as are published in the county. Notice thereof must also be posted in a conspicuous place in the court house. The posting and date of first publication must be at least ten (10) days before the day fixed for the sale.

Description.

SEC. 9. The notice of public sale of county property must particularly describe the property to be sold and designate the day and hour and the place of sale. If real property is to be sold on terms, the terms must be stated in the notice.

Proceeds
of sale.

SEC. 10. The proceeds of sales of county property except in cases of trade-in allowances upon purchases of like property must be paid to the County Treasurer who must receipt therefor and execute the proper documents transferring title attested to by the County Auditor: *Provided*, That in no case shall the

title be transferred until the purchase price has been fully paid.

SEC. 11. Proceeds from the sale of used equipment must be credited to the fund from which the original purchase price was paid.

SEC. 12. The Board of County Commissioners may dispose of county property to another governmental agency and may acquire property for the county from another governmental agency by means of private negotiation upon such terms as may be agreed upon and for such consideration as may be deemed by the Board of County Commissioners to be adequate.

Disposal
to other
government
agencies.

SEC. 13. Sections 2 to 7 inclusive, chapter 76, Laws of 1891 as last amended by sections 1 and 2, chapter 8, Laws of 1915 (sections 4008 to 4014, Remington's Revised Statutes, also Pierce's Perpetual Code 487-3 to -15), are hereby repealed.

Acts
repealed.

Passed the House March 1, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 17, 1945.

CHAPTER 255.

[S. H. B. 156.]

WASHINGTON STATE DEVELOPMENT BOARD.

AN ACT creating the Washington State Development Board; defining its powers and duties; establishing a fund; defining crimes and fixing penalties in connection therewith; making an appropriation and declaring an emergency.

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

SECTION 1. There is hereby created the Washington State Development Board, which shall consist of the Governor and four (4) other persons to be appointed by the Governor, which persons shall hold

Washington
State
Development
Board.

Meetings.

office at his pleasure. The Board shall meet at the call of the Governor and while in session the members who are not state officers shall receive the sum of twenty dollars (\$20) per day in lieu of subsistence and shall receive reimbursement for actual and necessary traveling expenses incurred during such time, such reimbursement to be made in the manner provided by law for similar reimbursements to state employees. The Board is authorized to establish such quarters and to employ such assistants, technicians, clerks and other employees as it may deem to be necessary in carrying out its duties and powers under the provisions of this act.

Expenses.

Development fund.

SEC. 2. There is hereby created the Washington State Development Fund. Said fund shall consist of all monies transferred thereto in accordance with the provisions of this act, and shall be a fund in the State Treasury.

Transfers from General Fund.

SEC. 3. The Governor shall have the power and he is hereby directed to order the transfer to the Washington State Development Fund from the General Fund of such sums as are in his opinion unnecessary for the payment of appropriations from the General Fund for the current biennium. The State Treasurer shall from time to time, upon the order of the Governor, transfer any such sums from the General Fund to the Washington State Development Fund in such amounts and at such times as the Governor shall direct: *Provided*, That the Governor shall have the authority in the event of a deficiency in any tax-supported fund to transfer such sums from the Washington State Development Fund to the fund in which the deficiency is incurred as are necessary to cover said deficiency.

SEC. 4. The Washington State Development Board shall expend the monies appropriated to it in this act for the following purposes:

(a) For such capital construction in, for, or by

the state as may be approved by the Board. Such construction projects shall include, but shall not be limited to, those needed by the state institutions and departments, including the public schools of the state, institutions of higher learning, state buildings and other facilities, airports, forestry projects, park and recreational facilities, irrigation and reclamation projects, and any public project designed to develop the natural resources of the State of Washington.

Uses and purposes of fund.

(b) For the purpose of providing for the construction by the cities or counties of the State of Washington of such needful public works and/or buildings or utilities as may be approved by the Board.

(c) The Board is authorized to expend such monies as it may deem expedient to conduct such researches, surveys and projects as are necessary for the purposes of promoting full employment and otherwise securing the welfare of the people of the state, and to conduct such publicity upon its findings as it may deem advisable.

SEC. 5. There is hereby appropriated from the Washington State Development Fund to the Washington State Development Board for use in:

(a) The incorporated cities and towns of the State of Washington the sum of ten million dollars (\$10,000,000) to be apportioned on the same basis of population determinatives used for apportionment of other state funds to cities and towns. No expenditure or project shall be approved under this section which is for the construction, improvement or benefit of any utility, business or operation of a city or town which has been, or would normally be, constructed, operated and maintained from its own revenues: *Provided*, That in the cases of sewage disposal projects, a charge for an initial connection may be made by the construction agency: *Provided, further*, That each city or town may be allocated one-half ($\frac{1}{2}$) its

Appropriation for cities and towns.

proportionate amount without such city or town providing matching funds, but shall not be allocated the balance or any part thereof unless it shall furnish an equal amount derived from some source other than funds allocated under this act and shall agree to use such funds in furthering the purposes of this act.

Appropriation for counties.

(b) The counties of the State of Washington the sum of ten million dollars (\$10,000,000) to be apportioned as follows: Twenty per cent (20%) divided equally between the thirty-nine (39) counties, thirty per cent (30%) to be divided on the basis of the population outside incorporated cities and towns in each county as of February 1, 1945, as determined by any state agency designated by the Board for the purpose of determining population, and fifty per cent (50%) on the basis of division of the county's share of gasoline or motor fuel taxes in effect at the time of allocation: *Provided*, That each county may be allocated one-half ($\frac{1}{2}$) of its proportionate amount without providing matching funds, but shall not be allocated the balance or any part thereof unless it shall furnish an equal amount derived from some source other than funds allocated under this act and shall agree to use such funds in furthering the purposes of this act.

Applications for funds.

SEC. 6. The Board shall receive applications from the governing body of any city or county and may select the governing body of such city or county as an agency to be the recipient of funds and to supervise the construction of projects and the expenditure of money thereon. Such city or county shall conduct such projects as are assigned thereto subject to the approval of the Board. The Board may select any political subdivision of the state or any department or agency of state government as an agency to receive funds and conduct and supervise construction projects and the expenditure of money thereon

under this act. Whenever the political subdivision is ready to commence work on the approved project and the Board desires that work shall commence on the same, the Board shall approve a voucher authorizing the issuance of a warrant for payment from the Washington State Development Fund in favor of the political subdivision in the amount approved for the project. The proceeds of the warrant shall be placed in a special fund of the political subdivision designated as the State Development Fund of such political subdivision, and the amount thereof shall be expended by the political subdivision in the usual manner of disbursing public funds by the political subdivision and for the specific project only; and the expenditure of any of such funds for any other purpose shall be illegal and any official approving or participating in any such illegal expenditure shall be guilty of a misdemeanor.

Approval
of projects.

SEC. 7. The Board shall have the right to inspect all project records of and construction by any agency to which funds have been granted or allocated under this act and may require discontinuance of a project at any time that it shall determine that said project is not being conducted in accordance with the approval granted by the Board. In all cases of such stoppage no further work shall be done nor funds expended thereon until the causes for such stoppage have been removed and the Board has given its approval to resumption of work.

Inspection.

SEC. 8. The Washington State Development Board is hereby authorized to use or permit the use of any funds in the Washington State Development Fund as state matching funds in any case where Federal funds are available on a matching basis for construction or work within the purposes of this act.

Federal
matching
funds.

SEC. 9. The Washington State Development Board is hereby authorized to require of any subdivision, agency or institution of government to which funds

are allocated under this act for any project that such subdivisions shall provide matching funds in such amount as the Board may deem proper with respect to such project.

Investment
of funds.

SEC. 10. All monies in the Washington State Development Fund shall be invested by the State Treasurer in accordance with provisions of chapter 91, Laws of 1935, of the State of Washington.

Transfer
of funds.

SEC. 11. There is hereby transferred from the General Fund to the Washington State Development Fund the sum of twenty million dollars (\$20,000,000) for the purposes of carrying out the provisions of section five (5) of this act.

Appropriation.

SEC. 12. There is hereby appropriated to the Washington State Development Board from the Washington State Development Fund the sum of fifty million dollars (\$50,000,000), or so much thereof as may be available in said fund for the purposes of carrying out the provisions of this act except section five (5).

Effective
immediately.

SEC. 13. This act is necessary for the immediate preservation of the public health, peace and safety, and shall take effect immediately.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 17, 1945.

CHAPTER 256.

[H. B. 398.]

RELATING TO MINING CLAIMS.

AN ACT relating to mining claims, repealing section 1, chapter XLVI, Laws of 1893, State of Washington (section 8618 Remington's Revised Statutes, also Pierce's Perpetual Code 738-7); and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1, chapter XLVI, Laws of 1893, State of Washington (section 8618 Remington's Revised Statutes, also Pierce's Perpetual Code 738-7), be and the same is hereby repealed. Act repealed.

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 17, 1945.

CHAPTER 257.

[H. B. 408.]

UNIFORM WASHINGTON FOOD, DRUG, AND
COSMETIC ACT.

AN ACT prohibiting adulteration, misbranding, and false advertising of food, drugs, devices, and cosmetics; providing for the registration of certain food, drugs, devices, and cosmetics, and repealing chapter 168, Laws of 1917, and chapter 211, Laws of 1907 as amended by chapter 36, Laws of 1923 (section 6137 to section 6139, inclusive, section 6144 to section 6154, inclusive, Remington's Revised Statutes; section 2535 to section 2548, inclusive, Pierce's Code, also Pierce's Perpetual Code 568-23 to -27).

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

Title. SECTION 1. This act may be cited as the Uniform Washington Food, Drug, and Cosmetic Act.

Legislative intent. SEC. 2. This act is intended to enact state legislation (a) which safeguards the public health and promotes the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food, drugs, devices, and cosmetics; and (b) which is uniform, as provided in this act, with the Federal Food, Drug, and Cosmetic Act; and with the Federal Trade Commission Act, to the extent it expressly outlaws the false advertisement of food, drugs, devices, and cosmetics; and (c) which thus promotes uniformity of such law and its administration and enforcement, in and throughout the United States.

Definitions. SEC. 3. For the purposes of this act, terms shall apply as herein defined unless the context clearly indicates otherwise.

Federal act. SEC. 4. The term "Federal Act" means the Federal Food, Drug, and Cosmetic Act, approved on June 25, 1938. (Title 21 U. S. C. 301 et seq.; 52 Stat. 1040 et seq.)

SEC. 5. The term "intrastate commerce" means

any and all commerce within the State of Washington and subject to the jurisdiction thereof; and includes the operation of any business or service establishment. Interstate
commerce.

SEC. 6. The term "sale" means any and every sale and includes (a) manufacture, processing, packing, canning, bottling, or any other production, preparation, or putting up; (b) exposure, offer, or any other proffer; (c) holding, storing, or any other possessing; (d) dispensing, giving, delivering, serving, or any other supplying; and (e) applying, administering, or any other using. Sale.

SEC. 7. The term "director" means the Director of the Department of Agriculture of the State of Washington and his duly authorized representatives. Director.

SEC. 8. The term "person" includes individual, partnership, corporation, and association. Person.

SEC. 9. The term "food" means (a) articles used for food or drink for man or other animals, (b) chewing gum, and (c) articles used for components of any such article. Food.

SEC. 10. The term "drug" means (a) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) articles intended for use as a component of any article specified in clause (a), (b), or (c); but does not include devices or their components, parts, or accessories. Drug.

SEC. 11. The term "device" (except when used in section (17) of this act and in sections 22 (j), 45, 87, and in section 65 as used in the sentence "(as Device.

compared with other words, statements, designs, or devices, in the labeling)”) means instruments, apparatus, and contrivances, including their components, parts and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (b) to affect the structure or any function of the body of man or other animals.

Cosmetic.

SEC. 12. The term “cosmetic” means (a) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) articles intended for use as a component of any such article; except that such term shall not include soap.

Official compendium.

SEC. 13. The term “official compendium” means the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

Label.

SEC. 14. The term “label” means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

Immediate container.

SEC. 15. The term “immediate container” does not include package liners.

Labeling.

SEC. 16. The term “labeling” means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

SEC. 17. If any article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

Misbranding.

Misleading label.

SEC. 18. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

Representation of drugs.

SEC. 19. The term "new drug" means (a) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (b) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions: *Provided*, That no drug

New drug.

in use on the effective date of this act shall be regarded as a new drug.

Advertisement.

SEC. 20. The term "advertisement" means all representations, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

Contaminated with filth.

SEC. 21. The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

Prohibited acts.

SEC. 22. The following acts and the causing thereof are hereby prohibited:

(a) The sale in intrastate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in intrastate commerce.

(c) The receipt in intrastate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the sale thereof in such commerce for pay or otherwise.

(d) The introduction or delivery for introduction into intrastate commerce of (1) any food in violation of section 53; or (2) any new drug in violation of section 75.

(e) The dissemination within this state, in any manner or by any means or through any medium, of any false advertisement.

(f) The refusal to permit (1) entry and the taking of a sample or specimen or the making of any investigation or examination as authorized by section 96; or (2) access to or copying of any record as authorized by section 99.

(g) The refusal to permit entry or inspection as authorized by section 100.

(h) The removal, mutilation, or violation of an embargo notice as authorized by section 29.

(i) The giving of a guaranty or undertaking in intrastate commerce, referred to in section 26, that is false.

(j) The forging, counterfeiting, simulating, or falsely representing, or without proper authority, using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under section 53. Prohibited acts.

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a food, drug, device, or cosmetic, or the doing of any other act with respect to a food, drug, device, or cosmetic, or the labeling or advertisement thereof, which results in a violation of this act.

(l) The using in intrastate commerce, in the labeling or advertisement of any drug, of any representation or suggestion that an application with respect to such drug is effective under section 505 of the Federal act or under section 75 of this act, or that such drug complies with the provisions of either such section.

SEC. 23. (a) In addition to the remedies hereinafter provided the Director is hereby authorized to apply to the Superior Court of Thurston County for, and such Court shall have jurisdiction upon prompt hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of section 22, without proof that an adequate remedy at law does not exist. Injunctive relief.

(b) Whenever it appears to the satisfaction of the Court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals (1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor, and (2) that such delay would be due to the method by which the

manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement, the Court shall exclude such issue from the operation of the restraining order or injunction.

Penalty.

SEC. 24. Any person who violates any provision of section 22 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than two hundred dollars (\$200); but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than thirty (30) days, or a fine of not more than five hundred dollars (\$500), or both such imprisonment and fine.

Penalty.

SEC. 25. Notwithstanding the provisions of section 24 of this act, in case of a violation of any provision of section 22, with intent to defraud or mislead, the penalty shall be imprisonment for not more than ninety (90) days, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

Acts not punishable.

SEC. 26. No person shall be subject to the penalties of section 24:

(1) For having violated section 22 (c), if he establishes that he received and sold such article in good faith, unless he refuses on request of the Director to furnish the name and address of the person in the State of Washington from whom he received such article and copies of all available documents pertaining to his receipt thereof; or

(2) For having violated section 22 (a), (c), or (d), if he establishes a guaranty or undertaking signed by, and containing the name and address of,

the person in the State of Washington from whom he received such article in good faith, to the effect that such article complies with this act; or

(3) For having violated section 22 (e), if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person in the State of Washington from whom he received such advertisement in good faith, to the effect that such advertisement complies with this act; or

Acts not punishable.

(4) For having violated section 22 (i), if he establishes that he gave such guaranty or undertaking in good faith and in reliance on a guaranty or undertaking to him, which guaranty or undertaking was to the same effect and was signed by, and contained the name and address of, a person in the State of Washington.

SEC. 27. No publisher, radio broadcast licensee, advertising agency, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of section 24 by reason of his dissemination of any false advertisement, unless he has refused on the request of the Director to furnish the name and address of the manufacturer, packer, distributor, seller, or advertising agency in the State of Washington, who caused him to disseminate such false advertisement.

Advertisers, radio stations.

SEC. 28. Whenever the Director shall find in intrastate commerce an article subject to this act which is so adulterated or misbranded that it is unfit or unsafe for human use and its immediate condemnation is required to protect the public health, such article is hereby declared to be a nuisance and the Director is hereby authorized forthwith to destroy such article or to render it unsaleable for human use.

Destruction of adulterated goods.

SEC. 29. Whenever the Director shall find, or shall have probable cause to believe, that an article

Embargo
against sale.

subject to this act is in intrastate commerce, which was introduced into such commerce in violation of sections 53 or 75, or which is so adulterated or misbranded as to label, that its embargo under this section is required to protect the consuming or purchasing public from substantial injury, he is hereby authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this act. But if, after such article has been so embargoed, the Director shall find that such article does not involve a violation of this act, such embargo shall be forthwith removed.

Petition
to affirm
embargo.

SEC. 30. When the Director has embargoed an article, he shall, forthwith and without delay in no event later than ten (10) days after the affixing of notice of its embargo, petition the Superior Court for an order affirming such embargo. Such Court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such article, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the Court deems appropriate in the circumstances. An order for correction and release may contain such provision for bond, as the Court finds indicated in the circumstances.

Consolidation
of
actions.

SEC. 31. Two or more petitions under section 30 of this act, which pend at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one Court of jurisdiction, upon application to any Court of jurisdiction by the Director or by such claimant.

SEC. 32. The claimant in any proceeding by peti-

tion under section 30 of this act shall be entitled to receive a representative sample of the article subject to such proceeding, upon application to the Court of jurisdiction made at any time after such petition and prior to the hearing thereon.

SEC. 33. No state Court shall allow the recovery of damages from administrative action for condemnation under section 28 or for embargo under section 29 of this act, if the court finds that there was probable cause for such action. Damages.

SEC. 34. (a) It shall be the duty of each State Attorney, County Attorney, or City Attorney to whom the Director reports any violation of this act, or regulations promulgated under it, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law. Prosecution.

(b) Before any violation of this act is reported by the Director to any such attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the Director, either orally or in writing, with regard to such contemplated proceeding. Notice of violation.

SEC. 35. Nothing in this act shall be construed as requiring the Director to report for the institution of proceedings under this act, minor violations of this act, whenever he believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning. Minor violations.

SEC. 36. All such proceedings for the enforcement, or to restrain violations, of this act shall be by and in the name of the State of Washington. Title of case.

SEC. 37. Whenever in the judgment of the Director such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, Regulations.

Regulations.

under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container. In prescribing any standard of fill of container, consideration shall be given to and due allowance shall be made for product or volume shrinkage or expansion unavoidable in good commercial practice, and need for packing and protective material. In prescribing any standard of quality for any canned fruit or canned vegetable, consideration shall be given to and due allowance shall be made for the differing characteristics of the several varieties thereof. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Director shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label.

Regulations shall conform to Federal standards.

SEC. 38. The definitions and standards of identity, the standards of quality and fill of container, and the label requirements prescribed by regulations promulgated under this section shall conform, in so far as practicable, with those prescribed by regulations promulgated under section 401 of the Federal act and to the definitions and standards promulgated under the meat inspection act approved March 4, 1907, as amended.

Definition of adulterated food.

SEC. 39. A food shall be deemed to be adulterated (1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 57;

or (3) if it consists in whole or in part of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or (5) if it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter or which has been fed on the uncooked offal from a slaughterhouse; or (6) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Definition of
adulterated
food.

SEC. 40. A food shall be deemed to be adulterated (1) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

SEC. 41. A food shall be deemed to be adulterated if it bears or contains a coal tar color other than one that is harmless and suitable for use in food, as provided by regulations promulgated under section 406 (b) of the Federal act.

SEC. 42. A food shall be deemed to be adulterated if it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per centum (1%), natural gum, and pectin: *Provided*, That this section shall not apply to any confectionery by reason of its containing less than one-half of one per centum (1%) by volume of alcohol derived

solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

Misbranded
food.

SEC. 43. A food shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular; or (b) if it is offered for sale under the name of another food; or (c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; or (d) if its container is so made, formed or filled as to be misleading.

SEC. 44. If a food is in package form, it shall be deemed to be misbranded, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the Director.

Misbranded
food.

SEC. 45. A food shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SEC. 46. If a food purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 37, it shall be deemed to be misbranded unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food

specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

SEC. 47. If a food purports to be or is represented as a food for which a standard of quality has been prescribed by regulations as provided by section 37, and its quality falls below such standard, it shall be deemed to be misbranded unless its label bears in such manner and form as such regulations specify, a statement that it falls below such standard. Misbranded
food.

SEC. 48. If a food purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 37, and it falls below the standard of fill of container applicable thereto, it shall be deemed to be misbranded unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

SEC. 49. If a food is not subject to the provisions of section 46 of this act, it shall be deemed to be misbranded unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of clause (2) of this section is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Director.

SEC. 50. If a food purports to be or is represented for special dietary uses, it shall be deemed to be misbranded, unless its label bears such information concerning its vitamin, mineral and other dietary Misbranded
food.

properties as is necessary in order to fully inform purchasers as to its value for such uses, as provided by regulations promulgated by the Director, such regulations to conform insofar as practicable with regulations under section 403 (j) of the Federal act.

Misbranded
food.

SEC. 51. If a food bears or contains any artificial flavoring, artificial coloring, or chemical preservative, it shall be deemed to be misbranded unless it bears labeling stating that fact: *Provided*, That to the extent that compliance with the requirements of this section is impracticable, exemptions shall be established by regulations promulgated by the Director. The provisions of this section and of sections 46 and 49, with respect to artificial coloring, shall not apply in the case of butter, cheese, or ice cream.

SEC. 52. Nothing in this act shall be construed to require the labeling or advertising to indicate the natural vitamin, natural mineral, or other natural dietary properties of dairy products or other agricultural products when sold as food.

Regulations
for manu-
facture or
packing.

SEC. 53. Whenever the Director finds after investigation that the distribution in intrastate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered intrastate commerce, he then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health; and after the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into

intrastate commerce, any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Director as provided by such regulations. Insofar as practicable such regulations shall conform with, shall specify the conditions prescribed by, and shall remain in effect only so long as those promulgated under section 404 (a) of the Federal act.

SEC. 54. The Director is authorized to suspend immediately upon notice any permit issued under authority of this section, if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Director shall, immediately after prompt hearing and an inspection of the factory or establishment, reinstate such permit, if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended.

Suspension
of permit.

SEC. 55. Any officer or employee duly designated by the Director shall have access to any factory or establishment, the operator of which holds a permit from the Director, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

Inspection
of premises.

SEC. 56. Food which is, in accordance with the practice of the trade, to be processed, labeled, or re-packed in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling requirements of this act, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is

Food in
transit.

otherwise subject to all the applicable provisions of this act.

Regulations
when
poisonous
substance
added to
food.

SEC. 57. Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of section 39; but when such substance is so required or cannot be so avoided, the Director shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 39. While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of section 39. In determining the quantity of such added substance to be tolerated in or on different articles of food, the Director shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

Compliance
with
Federal act.

SEC. 58. The regulations promulgated under section 57 of this act shall conform, insofar as practicable, with those promulgated under section 406 (a) of the Federal act.

SEC. 59. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may

have been rendered injurious to health; or (3) if it is a drug and its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal tar color other than one that is harmless and suitable for use in drugs for such purposes, as provided by regulations promulgated under section 504 of the Federal act.

Adulterated
drug.

SEC. 60. If a drug or device purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium, it shall be deemed to be adulterated. Such determination as to strength, quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium or prescribed by regulations promulgated under section 501 (b) of the Federal act. No drug defined in an official compendium shall be deemed to be adulterated under this section because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

Adulterated
drug.

SEC. 61. If a drug or device is not subject to the provisions of section 60 of this act and its strength differs from, or its purity or quality falls below, that

which it purports or is represented to possess, it shall be deemed to be adulterated.

SEC. 62. A drug shall be deemed to be adulterated if any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

Misbranded
drug.

SEC. 63. A drug or device shall be deemed to be misbranded if its labeling is false or misleading in any particular.

SEC. 64. If a drug or device is in package form, it shall be deemed to be misbranded unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the Director.

SEC. 65. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Misbranded
drug.

SEC. 66. A drug or device shall be deemed to be misbranded if it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha eucaïne, barbituric acid, beta eucaïne, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphomethane; or any chemical derivative of such substance, which derivative has been

designated as habit forming by regulations promulgated under section 502(d) of the Federal act; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

SEC. 67. If a drug is not designated solely by a name recognized in an official compendium it shall be deemed to be misbranded unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That to the extent that compliance with the requirements of clause (2) of this section is impracticable, exemptions shall be established by regulations promulgated by the Director.

SEC. 68. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: *Provided*, That where any requirement of clause (1) of this section as applied to any drug or device, is not necessary for the protection of the public health, the Director shall promulgate regulations exempting such drug or device from such require-

ments. Such regulations shall include the exemptions prescribed under section 502 (f) (1) of the Federal act, in so far as such exemptions are applicable hereunder.

Misbranded
drug.

SEC. 69. A drug or device shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein: *Provided*, That the method of packing may be modified with the consent of the Director, as permitted under section 502 (g) of the Federal act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

SEC. 70. If a drug or device has been found by the Secretary of Agriculture of the United States to be a drug liable to deterioration, it shall be deemed to be misbranded unless it is packaged in such form and manner, and its label bears a statement of such precautions, as required in an official compendium or by regulations promulgated under section 502 (h) of the Federal act for the protection of the public health.

SEC. 71. A drug shall be deemed to be misbranded if (1) its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug; or (4) if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

SEC. 72. A drug or device shall be deemed to be misbranded if it is a drug which by label provides, or which the Federal act or any applicable law requires by label to provide, in effect, that it shall be used only upon the prescription of a physician, dentist, or veterinarian, unless it is dispensed at retail on a written prescription signed by a physician, dentist, or veterinarian, who is licensed by law to administer such a drug.

SEC. 73. A drug or device which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling and packaging requirements of this act, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is otherwise subject to all the applicable provisions of this act.

Drugs in transit.

SEC. 74. A drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail) shall, if (1) such physician, dentist, or veterinarian is licensed by law to administer such drug, and (2) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian, be exempt from the requirements of sections 63 to 72 inclusive.

Drugs dispensed on prescription.

SEC. 75. No person shall introduce or deliver for introduction into intrastate commerce any new drug which is subject to section 505 of the Federal act unless an application with respect to such drug has become effective thereunder. No person shall introduce or deliver for introduction into intrastate com-

Application
for new
drugs.

merce any new drug which is not subject to section 505 of the Federal act, unless (1) it has been found, by appropriate tests, that such drug is not unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; and (2) an application has been filed under this section of this act with respect to such drug: *Provided*, That the requirement of clause (2) shall not apply to any drug introduced into intrastate commerce at any time prior to the enactment of this act or introduced into interstate commerce at any time prior to the enactment of the Federal act: *Provided further*, That if the Director finds that the requirement of clause (2) as applied to any drug or class of drugs, is not necessary for the protection of the public health, he shall promulgate regulations of exemption accordingly.

Contents of
application.

SEC. 76. An application under section 75 shall be filed with the Director, and subject to any waiver by the Director, shall include (1) full reports of investigations which have been made to show whether or not the drug, subject to the application, is safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) such samples of such drug and of the articles used as components thereof as the Director may require; and (6) specimens of the labeling proposed to be used for such drug.

SEC. 77. An application filed under section 75 shall become effective on the sixtieth (60) day after the filing thereof, unless the Director (1) makes such application effective prior to such day; or (2)

issues an order with respect to such application pursuant to section 78 of this act.

SEC. 78. If the Director finds, upon the basis of the information before him and after due notice and opportunity for hearing to the applicant, that the drug, subject to the application, is not safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, he shall, prior to such effective date, issue an order refusing to permit such application to become effective and stating the findings upon which it is based.

Refusal of permit.

SEC. 79. An order refusing to permit an application under section 75 to become effective may be suspended or revoked by the Director, for cause and by order stating the findings upon which it is based.

SEC. 80. Orders of the Director issued under section 78 shall be served (1) in person by a duly authorized representative of the Director or (2) by mailing the order by registered mail addressed to the applicant or respondent at his address last known to the Director.

Order how served.

SEC. 81. A drug shall be exempt from the operation of section 75 which intended, and introduced or delivered for introduction into intrastate commerce, solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs and which is plainly labeled "For Investigational Use Only."

Exempt drugs.

SEC. 82. The Superior Court of Thurston County shall have jurisdiction to review and to affirm, modify, or set aside any order issued under section 78 of this act, upon petition seasonably made by the person to whom the order is addressed and after prompt hearing upon due notice to both parties.

Review of order.

SEC. 83. A drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the con-

Drugs
issued on
prescription.

duct of a business of dispensing drugs pursuant to diagnosis by mail) shall, if (1) such physician, dentist, or veterinarian is licensed by law to administer such drug, and (2) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian, be exempt from the operation of section 75 to 82 inclusive.

Exempt
drugs.

SEC. 84. The provisions of section 75 shall not apply to any drug which is licensed under the Federal virus, serum, and toxin act of July 1, 1902; or under the Federal virus, serums, toxins, antitoxins, and analogous products act of March 4, 1913.

Adulterated
cosmetics.

SEC. 85. A cosmetic shall be deemed to be adulterated (a) if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual: *Provided*, That this provision shall not apply to coal tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying direction should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this paragraph and paragraph (e) the term "hair dye" shall not include eyelash dyes or eyebrow dyes; or (b) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or (c) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or

(d) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or (e) if it is not a hair dye and it bears or contains a coal tar color other than one that is harmless and suitable for use in cosmetics, as provided by regulations promulgated under section 604 of the Federal act.

SEC. 86. A cosmetic shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular; or (b) if in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Director.

Misbranded
cosmetics.

SEC. 87. A cosmetic shall be deemed to be misbranded (a) if any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or (b) if its container is so made, formed, or filled as to be misleading.

SEC. 88. A cosmetic which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling requirements of this act, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but

Cosmetics in
transit.

it is otherwise subject to all the applicable provisions of this act.

SEC. 89. An advertisement of a food, drug, device, or cosmetic shall be deemed to be false, if it is false or misleading in any particular.

False advertisement.

SEC. 90. The advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, venereal disease, shall also be deemed to be false; except that no advertisement not in violation of section 89 shall be deemed to be false under section 90 if it is disseminated only to members of the medical, veterinary, dental, pharmacal, and other legally recognized professions dealing with the healing arts, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices: *Provided*, That whenever the Director determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the Director shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the Director may deem necessary in the interest of public health: *Provided further*, That this section shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious.

SEC. 91. The authority to promulgate regulations for the efficient enforcement of this act is hereby vested in the Director: *Provided, however,* That the Director shall designate the Washington State Board of Pharmacy to carry out all of the provisions of this act pertaining to drugs and cosmetics, with authority to promulgate regulations for the efficient enforcement thereof. } Vetoed.

SEC. 92. The purpose of this act being to promote uniformity of state legislation with the Federal act, the Director is hereby authorized (1) to adopt, insofar as applicable, the regulations from time to time promulgated under the Federal act; and (2) to make the regulations promulgated under this act conform, insofar as practicable, with those promulgated under the Federal act. } Purpose of act.

SEC. 93. Hearings authorized or required by this act shall be conducted by the Director or his duly authorized representative designated for the purpose. } Hearings.

SEC. 94. The Director shall hold a public hearing upon a proposal to promulgate any new or amended regulation under this act, which requires or prohibits any practice in intrastate commerce, except in the case of a proposal to adopt an applicable regulation promulgated under the Federal act. The Director shall give appropriate notice of such hearing. The notice shall state the time and place of the hearing to be held not less than thirty (30) days after the date of such notice, except in the case of an emergency found by the Director. After the hearing the Director shall issue an order, with respect to such proposal, which shall state the findings upon which such order is based. No regulation promulgated under this act, by order issued after such hearing, shall take effect prior to the ninetieth (90) day after the date of such order, except in the case of an emergency found by the Director. } Hearings on regulation.

SEC. 95. The Director shall have jurisdiction to review and to affirm, modify, or set aside any order issued under section 94, promulgating a new or amended regulation under this act, upon petition made at any time prior to the effective date of such regulation, by any person adversely affected by such order.

Investigation
of food,
drugs and
cosmetics.

SEC. 96. The Director shall cause the investigation and examination of food, drugs, devices, and cosmetics subject to this act. The Director shall have the right (1) to take a sample or specimen of any such article, for examination under this act, upon tendering the market price therefor to the person having such article in custody; and (2) to enter any place or establishment within this state, at reasonable times, for the purpose of taking a sample or specimen of any such article, for such examination.

Examination
of samples.

SEC. 97. Where a sample or specimen of any such article is taken for examination under this act the Director shall, upon request, provide a part thereof for examination by any person named on the label of such article, or the owner thereof, or his attorney or agent; except that the Director is authorized, by regulation, to make such reasonable exceptions from, and to impose such reasonable terms and conditions relating to, the operation of this section as he finds necessary for the proper administration of the provisions of this act.

SEC. 98. For the purpose of enforcing the provisions of this act, pertinent records of any administrative agency of the state government shall be open to inspection by the Director.

SEC. 99. For the purpose of enforcing the provisions of this act, carriers engaged in intrastate commerce, and persons receiving food, drugs, devices, or cosmetics in intrastate commerce or holding such articles so received, shall, upon the request of the Director, permit the Director at reasonable times, to

have access to and to copy all records showing the movement in intrastate commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and the copying of any such records so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided, further*, That carriers shall not be subject to the other provisions of this act by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

Access to records.

SEC. 100. For the purpose of enforcing the provisions of this act, the Director is authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment subject to this act, or to enter any vehicle being used to transport or hold food, drugs, devices, or cosmetics in intrastate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements therein.

Inspection in transit.

Warehouses.

SEC. 101. The Director may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this act, including the nature of the charge and the disposition thereof.

Publication of court orders.

SEC. 102. The Director may cause to be disseminated information regarding food, drugs, devices, or cosmetics in situations involving, in the opinion of the Director, imminent danger to health or gross

Publication
of investiga-
tions.

deception of, or fraud upon, the consumer. Nothing in this section shall be construed to prohibit the Director from collecting, reporting, and illustrating the results of his examinations and investigations under this act.

Partial
invalidity.

SEC. 103. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Interpreta-
tion.

SEC. 104. This act and the regulations promulgated hereunder shall be so interpreted and construed as to effectuate its general purpose to secure uniformity with Federal acts and regulations relating to adulterating, misbranding and false advertising of food, drugs, devices, and cosmetics.

Effective
date.

SEC. 105. This act shall take effect ninety (90) days after the date of its enactment, and all state laws or parts of laws in conflict with this act are then repealed: *Provided*, That the provisions of section 91 shall become effective on the enactment of this act, and thereafter the Director is hereby authorized to conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this act as the Director shall direct: *Provided further*, That all other provisions of this act to the extent that they may relate to the enforcement of such sections, shall take effect on the date of the enactment of this act.

Acts
repealed.

SEC. 106. All acts or parts of acts in conflict with this act are hereby repealed; and specifically chapter 168, Laws of 1917, and chapter 211, Laws of 1907, as amended by chapter 36, Laws of 1923 (section 6137 to section 6139, inclusive, and section 6144 to section 6154, inclusive, of Remington's Revised Statutes; section 2535 to section 2548, inclusive, of Pierce's

Code, also Pierce's Perpetual Code 568-1 to -27), are hereby repealed.

Passed the House March 8, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 19, 1945, with the exception of section 91 which is vetoed.

CHAPTER 258.

[H. B. 374.]

VETERAN AFFAIRS AND UNEMPLOYMENT.

AN ACT relating to veteran affairs and unemployment; preparation for rehabilitation and reconversion; creating employment statistics commissions; fixing their compensation; making an appropriation therefor; and declaring an emergency.

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

SECTION 1. As used in this act:

(1) "Service person" includes every person serving the United States in the army, navy, marines, nursing service, or transport service thereof and every person employed on behalf of the United States in war activity beyond the continental limits of the United States as of January 1, 1945; it also includes every person who has been honorably discharged from the army or navy of the United States since January 1, 1943;

(2) "Family" means a group of blood relatives occupying the same living quarters and includes adopted children;

(3) "Job" means employment of one person by another person at a fixed wage or on commission, but does not include casual employment;

(4) "Employment" means gainful occupation for at least twenty hours per week for at least four weeks per month;

Definitions.

Service person.

Family.

Job.

Employment.

Person.

(5) "Person" includes a corporation or any other organized group of natural persons;

SEC. 2. In preparation for post war rehabilitation and reconversion, there is established in each county a County Statistics Commission.

Creation of County Statistics Commission.

SEC. 3. The County Statistics Commission shall consist of:

(1) In class A, and in counties of the first class: the County Assessor, the County Auditor, the County Clerk, the County Commissioners, the Coroner, the Sheriff, the County Superintendent of Schools and the Treasurer;

(2) In counties of the second and third classes: the County Assessor, the County Auditor, the County Clerk, the County Commissioners, the Coroner, the Prosecuting Attorney, the Sheriff, the County Superintendent of Schools and the Treasurer;

(3) In counties of the fourth, fifth, sixth, seventh and eighth classes: the County Assessor, the County Auditor, the County Clerk, the County Commissioners, the Prosecuting Attorney, the Sheriff, the County Superintendent of Schools and the Treasurer;

(4) In counties of the ninth class: the County Clerk, the County Commissioners, the Prosecuting Attorney, the Sheriff, the County Superintendent of Schools and the Treasurer.

Chairman. Secretary.

SEC. 4. Immediately upon the taking effect of this act each County Statistics Commission shall organize by electing one of its members as Chairman and another as Secretary.

Duties.

SEC. 5. The County Statistics Commission shall prepare a separate record for each service person whose home address was in the county on January 1, 1945. This record shall show the name, age, and address of each service person, and the name and age of his wife and each of his children, all as of January 1, 1945. In case any service person is un-

married, the record shall show the names and addresses of his next of kin and the relationship each bears to him.

This record shall also give the legal description of all real estate in the county owned by any service person on January 1, 1945, together with the amount of incumbrance thereon and the amount of the taxes levied thereon annually.

SEC. 6. After the record of a service person has once been set up, any change in rank, status, family relationship, ownership of real property and taxes thereon, thereafter occurring shall be noted upon the record as soon as practicable after it occurs. Also on July 1, 1945, a survey shall be made for persons resident in the county who have become service persons since January 1, 1945, and similar records set up for them. Annually thereafter, similar surveys and similar additions shall be made to the records.

Vetoed.

SEC. 7. The County Statistics Commission in each county shall also prepare a separate record for each family residing within the county. The record shall show as of January 1, 1945, the family address, the names of the members of the family who have jobs, stating as to each the name and address of the employer, the character of the employment, and the average weekly income of each therefrom.

SEC. 8. The compensation to be paid the members of each County Statistics Commission shall be paid by the respective counties and the payment thereof is hereby declared to be a mandatory expenditure required by law. No resolution of the Board of County Commissioners need be adopted by any Board of County Commissioners, the provisions of this act being a sufficient declaration of emergency and mandate for all expenditures by all counties made and incurred.

Payment of
compensa-
tion.

SEC. 9. All records required by the County Statistics Commissions to be kept, shall be kept upon

Reports.

forms to be furnished by the Division of Municipal Corporations in the office of the State Auditor and remain in the custody of the secretary of the County Statistics Commission in each county. The expense of preparing, printing and shipping the forms required by this act shall be paid from the money appropriated by this act.

Assistants.

SEC. 10. Each County Statistics Commission shall employ such help, occupy such space and purchase such supplies, other than the forms furnished, as may be necessary, at the expense of each county as allowed by the Board of County Commissioners thereof.

Salary.

SEC. 11. The members of each County Statistics Commission shall receive for their services as such the following monthly compensation:

- (1) In class A and first class counties, one hundred fifty dollars (\$150) per month;
- (2) In counties of the second and third classes, one hundred dollars (\$100) per month;
- (3) In counties of the fourth class, seventy-five dollars (\$75) per month;
- (4) In counties of the fifth class, sixty dollars (\$60) per month;
- (5) In counties of the sixth and seventh classes, fifty dollars (\$50) per month;
- (6) In counties of the eighth and ninth classes, thirty-five dollars (\$35) per month.

Appropriation.

SEC. 12. There is hereby appropriated from the General Fund the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, to the State Auditor for the purpose of printing and distributing forms for the use of the County Commissions.

SEC. 13. This act shall expire January 1, 1947.

Effective immediately.

SEC. 14. This act is necessary for the immediate preservation of the public peace, health and safety

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

Passed the House March 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 20, 1945, with the exception of sections 6 and 7, which are vetoed.

CHAPTER 259.

[S. B. 100.]

HIGHER EDUCATION—LIGHT METALS.

AN ACT relating to higher education; authorizing the expansion of the work in light metals and the construction of a foundry and a mining, physical, technological building and fabrication shop at the State College of Washington; and appropriating money therefor.

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

SECTION 1. The Board of Regents of the State College of Washington is hereby authorized to construct a new foundry and a mining, physical, technological building and fabrication shop at the State College of Washington, or to add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; to purchase equipment for the shops and laboratories in mechanical, electrical and civil engineering; to establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; to purchase equipment for a research laboratory for technological research generally; and to purchase equipment for research in electronics, instrumentation, energy sources, plas-

Construc-
tion of
foundry
to study
light
metals.

tics, food technology, mechanics of materials, hydraulics and similar fields.

Appropriation.

SEC. 2. The sum of one hundred thousand dollars (\$100,000) or as much thereof as shall be found necessary, is hereby appropriated from the General Fund of the State Treasury to carry out the purposes described above and for salaries in connection therewith. The sum of four hundred thousand dollars (\$400,000) or as much thereof as shall be found necessary, is hereby appropriated from the General Fund to carry out the purposes of this act and for salaries in connection therewith: *Provided*, That expenditures therefrom shall be made only upon the approval of the Governor.

Vetoed

SEC. 3. There is hereby appropriated the sum of one million two hundred fifty thousand dollars (\$1,250,000) from the General Fund, to be known as the State College of Washington Industrial Research Building Fund, which sum is to be used exclusively for the purposes of post war buildings in which to operate the Industrial Research work. The Board of Regents of the State College of Washington is authorized and directed to construct said buildings as soon as the necessary materials for the same can be obtained: *Provided*, That expenditures shall be made for the State College of Washington Industrial Research buildings only upon approval of the Governor.

Passed the Senate February 24, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 19, 1945, with the exception of section 3, which is vetoed.

CHAPTER 260.

[S. B. 317.]

MOTOR VEHICLE FUNDS.

AN ACT relating to the motor vehicle fund; providing for payments and allocations therefrom; and amending section 5, chapter 181, Laws of 1939, as amended by section 3, chapter 83, Laws of 1943 (section 6600-2A, Rem. Supp. 1943, also Pierce's Perpetual Code 614h-9); describing the duties of the Director of Highways and making an appropriation; and declaring that this act shall take effect April 1, 1945.

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

SECTION 1. Section 5, chapter 181, Laws of 1939, as amended by section 3, chapter 83, Laws of 1943 (section 6600-2A, Rem. Supp. 1943, also Pierce's Perpetual Code 614h-9), is amended to read as follows:

Amend-
ments.

Section 5. Funds to be paid to the counties of the State of Washington as set forth in subsection, (b) of section 3 above, shall be subject to deduction and distribution as follows:

(a) The sum of three thousand dollars (\$3,000) per month to be deducted monthly as such sums accrue and set aside for the use of the Director of Highways for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That for the biennium there is hereby appropriated from the General Fund the sum of five hundred thousand dollars (\$500,000) which shall be paid to the Director of Highways to be distributed to the various counties of the state by the Director of Highways on the basis of their need for additional funds: *Provided further*, That the aforesaid sum shall be deducted from any fund that may be established for post-war county highway purposes;

Allocation
and pay-
ment of
highway
funds.

(b) Payment of all sums required to be repaid to counties composed entirely of islands in the manner provided by law;

(c) The balance remaining to be paid to counties after such deductions shall be paid to the several counties in the following percentages, such payment to be made monthly as such funds accrue:

Adams 1.50, Asotin .65, Benton 1.97, Chelan 2.18, Clallam 2.53, Clark 4.23, Columbia .96, Cowlitz 3.31, Douglas 1.54, Ferry .87, Franklin 1.06, Garfield .96, Grant 1.30, Grays Harbor 3.46, Island 1.08, Jefferson .90, King 10.92, Kitsap 2.36, Kittitas 2.01, Klickitat 1.61, Lewis 3.82, Lincoln 1.54, Mason 1.22, Okanogan 2.21, Pacific 1.59, Pend Oreille 1.19, Pierce 5.93, San Juan .66, Skagit 4.27, Skamania 1.01, Snohomish 5.08, Spokane 6.03, Stevens 1.72, Thurston 2.73, Wahkiakum .75, Walla Walla 1.76, Whatcom 4.07, Whitman 3.79, Yakima 5.23: *Provided, however,* Beginning April 1, 1946, the balance remaining to be paid after such deductions shall be paid to the several counties monthly, as such funds accrue, based upon the following formula:

(d) Ten per cent (10%) of said sum shall be divided equally among the several counties;

(e) Seventy per cent (70%) of said sum shall be paid to each of the several counties, after adjustment for cost variance as provided in subsection (g) hereof, in the direct proportion that the county trunk highway mileage of each county shall bear to the county trunk highway mileage of all counties in the state. County trunk highways shall mean county roads regularly used by school buses and/or rural mail carriers;

Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the state Superintendent of Public Instruction, who shall, on January 1st of each even-numbered year, furnish the Director of Highways with a map of each county upon which is indicated the county roads used by school buses during the preceding school year, together with a detailed statement showing the total

Allocation
and pay-
ment of
highway
funds.

number of miles of county highway over which school buses operated in each county during said year. Determination of the number of miles of county roads used in each county by rural mail carriers during said year shall be based solely upon information supplied by the U. S. Postal Department;

(f) Twenty per cent (20%) of said sum shall be paid to each of the several counties, after adjustment for cost variance as provided in subsection (g) hereof, in the direct proportion that the number of private automobiles and trucks licensed by registered owners residing in unincorporated areas within each county bears to the total number of such vehicles licensed by registered owners residing in the unincorporated areas of all counties in the state. Determination of the number of licensed vehicles shall be based solely upon information supplied by the Director of Licenses, who shall on January 1 of each even-numbered year furnish the Director of Highways a detailed statement showing the number of vehicles licensed by registered owners residing in unincorporated areas of each county during the preceding license year. Hereafter the Director of Licenses shall require each application for a certificate of license registration to state whether applicant resides within or outside an incorporated area and in which county the applicant resides;

Allocation and payment of highway funds.

(g) Unit cost ratios representing the variance in cost of construction and maintenance in the several counties are allocated as follows: Adams, Douglas, Ferry, Grant, Lincoln, Okanogan and Stevens, each a unit cost ratio of 80; Asotin, Columbia, Franklin, Garfield, Island, Klickitat, San Juan, Walla Walla and Whitman, each a unit cost ratio of 100; Benton, Jefferson, Kitsap, Mason, Pend Oreille, Spokane, Thurston and Yakima, each a unit cost ratio of 125; Chelan, Clark, King, Kittitas, Lewis,

Pierce, Snohomish and Whatcom, each a unit cost ratio of 170; Clallam, Cowlitz, Grays Harbor, Pacific, Skagit, Skamania and Wahkiakum, each a unit cost ratio of 240;

The percentage to which each county would otherwise be entitled under subsection (e) and (f) above shall be adjusted to allow for differences in cost, by multiplying said percentage by the unit cost ratio of said county. The resulting figure shall be designated the cost-weighted figure, and the proportion which said cost-weighted figure of each county shall bear to the total of the cost-weighted figures of all counties shall be the percentage payable to each county under subsection (e) and (f);

Annual
computation
of alloca-
tions.

(h) The Director of Highways shall adjust the allocations to the several counties on April 1st of every even-numbered year, based solely upon information supplied by the Superintendent of Public Instruction and the U. S. Postal Department as above provided. Not later than February 15th of said years, said Director shall supply the Board of County Commissioners of each county with a written statement showing any proposed changes, and the said Director shall have authority to correct any mistakes therein at any time before actual distribution shall be made.

Each County Treasurer shall forthwith upon receipt of such money from the Motor Vehicle Fund place the same to the credit of the County Road Fund.

Effective
immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall be effective on and after April 1, 1945.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 20, 1945.

CHAPTER 261.

[H. B. 43.]

VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

AN ACT relating to and creating a fund in the State Treasury to be known as the Volunteer Firemen's Relief and Pension Fund; defining the terms as used in the act; designating the duties of certain officials; providing for the relief and compensation of volunteer firemen injured in the performance of their duties; providing for the retirement of volunteer firemen on pension when municipalities have elected to make provision therefor; creating a board of trustees in each municipality for the maintenance and distribution of said fund; empowering municipalities to limit the membership of volunteer fire departments; and repealing chapter 121, Laws of 1935 (sections 9578-1 to 9578-11, inclusive, of Remington's Revised Statutes, also Pierce's Perpetual Code 773-37 to -57).

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

SECTION 1. As used in this act, the following terms shall have the meaning and application as follows: Definitions.

(a) "Municipal corporation" or "municipality" shall be defined as including any city or town, fire protection district, or any water, irrigation or other district, which is now, or which may hereafter be, authorized by law to afford protection to life and property within its boundaries from fire. Municipal corporations.

(b) "Fire department" shall be defined as including any regularly organized fire department consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department which is now or which hereafter may be duly organized and maintained by any municipality: *Provided*, That any such municipality wherein a part-paid fire department shall be maintained shall have authority by appropriate legislation to permit the full-paid members of its fire department to come under the provisions of the Firemen's Relief and Pension Fund provided for in chapter 39, Laws of 1935, or any amendments thereto. Fire department.

Firemen.

(c) "Firemen" shall be defined as including any fireman who is a member of any fire department of any municipality as herein defined.

Performance of duty.

(d) "Performance of duty" shall be defined and construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to so order such member to perform such work, shall mean and include responding to, working at, or returning from an alarm of fire, drill or any work performed of an emergency nature in accordance with the rules and regulations of said fire department.

Appropriate legislation.

(e) "Appropriate legislation" shall be defined as meaning ordinance when ordinance is the means of legislating by any municipality, and resolution in all other cases.

Municipal corporations shall provide pensions.

SEC. 2. (a) Every municipal corporation maintaining and operating a regularly organized fire department shall make provision by appropriate legislation for the enrollment of every fireman under the relief and compensation provisions of this act for the purpose of providing protection for all its firemen and their families from death or disability arising in the performance of their duties as firemen: *Provided*, That nothing herein shall prohibit any municipality from providing such additional protection for relief and compensation, or death benefit as it may deem proper.

(b) Any municipal corporation maintaining and operating a regularly organized fire department may make provision by appropriate legislation whereby any fireman may enroll under the pension provisions of this act for the purpose of enabling any fireman, so electing, to avail himself of the retirement provisions of this act.

(c) Every municipal corporation shall make provisions for the collection and payment of the fees as herein provided, and shall continue to make such

provisions for all firemen who come under this act as long as they shall continue to be members of its fire department.

SEC. 3. There is hereby created in the Treasury of the State of Washington a trust fund for the benefit of the firemen of the State of Washington covered by this act, which fund shall consist of:

Trust fund defined.

(a) All bequests, fees, gifts, emoluments or donations given or paid to said fund.

(b) An annual fee of three dollars (\$3) for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided.

(c) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of twenty-five dollars (\$25) for each of its firemen electing to enroll therein, thirteen dollars (\$13) of which shall be paid by the municipality and twelve dollars (\$12) of which shall be paid by the fireman: *Provided*, That enrollment under the pension provisions of this act and the payment of the fee provided therefor shall include and provide the protection for death and disability without any additional payment.

(d) Ten per cent (10%) of all moneys received by the State of Washington from its tax on fire insurance premiums shall be paid into the State Treasury and credited to the said fund.

(e) It shall be the duty of the State Treasurer to invest such portion of the amounts credited to the fund as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States, this state, counties, municipalities or of any public utility water or power district: *Provided, however*, That investments in interest-bearing warrants issued against current levies shall be limited

to those obligations where the first outstanding warrant has not been outstanding in excess of two (2) years from the date of its issuance.

(f) Any obligations acquired by the fund may be sold at the market price, but not less than par, plus accrued interest. The interest and proceeds from the sale and redemption of any obligations held by the fund shall be credited to and form a part of the fund.

(g) All amounts credited to the fund shall be available for making the payments required by this act.

(h) The State Treasurer shall make an annual report showing the condition of the fund.

Annual
payments
to fund.

SEC. 4. On or before the first day of March of each year, every municipal corporation shall pay such amount as shall be due from it to said fund, together with the amounts collected from the firemen of its fire department: *Provided*, That no fireman shall forfeit his right to participate in the relief and compensation provisions of this act by reason of non-payment: *Provided further*, That no fireman shall forfeit his right to participate in the retirement provisions of this act until after March first of such year: *And provided further*, That where a municipality has failed to pay or remit the annual fees required within the time provided such delinquent payment shall bear interest at the rate of one per cent (1%) per month from March first until paid: *And provided further*, That where a fireman has forfeited his right to participate in the retirement provisions of this act he may be reinstated so as to participate to the same extent as if all fees had been paid by the payment of all back fees with interest at the rate of one per cent (1%) per month provided he has at all times been otherwise eligible.

SEC. 5. Each municipal corporation shall by appropriate legislation limit the membership of its vol-

unter fire department to not to exceed twenty-five (25) firemen for each one thousand (1,000) population or fraction thereof: *Provided*, That in no case shall the membership of any fire department coming under the provisions of this act be limited to less than fifteen (15) firemen.

Limits of membership.

SEC. 6. In every municipal corporation maintaining a regularly organized fire department there is hereby created and established a Board of Trustees for the administration of this act. Such Board shall consist of the Mayor, City Clerk or Comptroller, and one (1) Councilman of such municipality, the Chief of the Fire Department, and one (1) member of the Fire Department to be elected by the members of such Fire Department for a term of one (1) year and annually thereafter. Where a municipality is governed by a Board, the Chairman, one (1) member of the Board and the Secretary or Clerk thereof shall serve as members of said Board in lieu of the Mayor, Clerk or Comptroller and Councilman.

Board of trustees.

SEC. 7. The Mayor or Chairman of the Board or Commission of any such municipality shall be Chairman of the Board of Trustees, and the Clerk or Comptroller or Secretary of any such municipality, Board or Commission shall be the Secretary-treasurer of the Board of Trustees. The Secretary shall keep a public record of all proceedings, of all receipts and disbursements made by the Board of Trustees and shall make an annual report of its expenses and disbursements with a full list of the beneficiaries of said fund in such municipality, such record to be placed on file in such municipality and a copy filed with the State Auditor. Such forms as shall be necessary for the proper administration of this fund and of making the reports required hereunder shall be provided by the State Auditor.

Chairman.

Records of board.

SEC. 8. It shall be the duty of said Board of Trustees of each municipal corporation to provide for the

Applications
for enroll-
ment.

enrollment of all members of its Fire Department under the death and disability provisions of this act; to receive all applications for enrollment under the retirement provisions of this act when such municipality shall have elected to enroll therein; to provide for disbursements of relief and compensation; to determine the eligibility of firemen for pensions; and to pass on all claims and to direct payment thereof from the Volunteer Firemen's Relief and Pension Fund to those entitled thereto under the terms of this act. Vouchers shall be signed by the Chairman and Secretary of the Board and issued to the persons entitled thereto for the amount of money ordered paid to such persons from said fund by said Board, which vouchers shall state for what purpose such payment is to be made. It shall send to the State Treasurer, after each meeting, a list of all persons entitled to payments from said fund, stating the amount of such payment and for what granted, which list shall be certified and signed by the Chairman and Secretary of said Board, attested under oath. The state officer whose duty it is to issue warrants shall order and direct that a warrant for the amount specified on such voucher be drawn on said fund for the amount thereof.

Meetings
of board.

SEC. 9. Said Board of Trustees shall meet on the call of its Chairman on a regular monthly meeting day when there is business to come before it. The Chairman shall be required to call a meeting on any regular meeting day at the request of any member of the fund or his beneficiary claiming any relief, compensation or pension therefrom.

Powers of
board.

SEC. 10. The Board of Trustees herein, in addition to other powers herein granted, shall have power to compel the attendance of witnesses to testify before it on all matters connected with the operation of this act, and its chairman or any member of said Board may administer oaths to such witnesses; to make all

necessary rules and regulations for its guidance in conformity with the provisions of this act: *Provided, however,* That no compensation or emoluments shall be paid to any member of said Board of Trustees for any duties performed under this act as such trustees.

SEC. 11. The Board shall have the power to make Physician. provisions for the employment of a regularly licensed practicing physician for the examination of members of Fire Departments making application for membership at a fee of three dollars (\$3) for each fireman examined. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid their fees from said fund but not in excess of the schedule of fees for like services approved by the State Medical Aid Board under the Workman's Compensation Act. No other physician or surgeon, not appointed or specifically employed by the Board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the Board of Trustees of said fund for the negligence of any physician or surgeon Report of examination. employed by it. Any physician employed by the Board to attend upon any fireman shall report his findings in writing to said Board.

SEC. 12. The Board shall hear and decide all applications for relief or compensation and pensions under this act, and its decisions on such application shall be final and conclusive and not subject to revision except by the Board. Decisions final.

SEC. 13. A majority of the Board of Trustees shall Quorum. constitute a quorum, and no business shall be transacted when a majority is not present, and no claim

shall be allowed where a majority of the Board has not voted favorably thereon.

Appoint-
ment of
guardian.

SEC. 14. Said Board of Trustees shall have the power and authority to ask for the appointment of a guardian whenever and wherever the claim of a fireman or his beneficiary would, in the opinion of the Board, be best served thereby. The Board shall have full power to make and direct the payments herein provided for to any person entitled thereto without the necessity of any guardianship or administration proceedings, when, in its judgment, it shall determine it to be for the best interests of the beneficiary.

Disability
payments.

SEC. 15. Whenever any fireman serving in any capacity as a member of any Fire Department subject to the provisions of this act shall become physically or mentally disabled, or sick, in consequence of, or as the result of the performance of his duties as in this act defined, so as to be wholly prevented from engaging in each and every duty of his regular occupation, business or profession, he shall be paid from said fund monthly, the sum of one hundred fifty dollars (\$150) for a period of not to exceed six (6) months, after which period of disability, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from said fund an amount monthly of seventy-five dollars (\$75) as long as such disability continues. At any time the Board may reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce the same in the proportion that the income from such gainful employment shall bear to the income derived by such pensioner at the time of such disability.

SEC. 16. Whenever any fireman shall die as the result of injuries received, or sickness contracted,

while in the performance of his duties as herein defined, the Board of Trustees shall order and direct the payment of the sum of fifty dollars (\$50) per month to his widow during her life; or, if there be no widow, or such widow shall die while there are minor children as herein provided, then to his minor child or children until they shall reach the age of eighteen (18) years; and if there be no widow, child or children entitled thereto, then to his parents or either of them, if it be proven to the satisfaction of the Board of Trustees that said parents, or either of them, were dependent on said son for their support at the time of his death: *Provided*, That such widow, child or children of said parents, or either of them, shall marry while receiving such pension such person so marrying shall thereafter receive no further pension from said fund.

Death
benefits.

SEC. 17. Whenever any fireman, at the time of the taking effect of this act, shall have been a member of, and served honorably for a period of twenty-five (25) years or more as an active member in any capacity of any regularly organized volunteer Fire Department of any municipality in this state, and which municipality and fireman shall have enrolled within three (3) years after the effective date of this act as herein provided, and shall have reached the age of sixty-five (65) years, the Board of Trustees of such municipal corporation shall be empowered to order and direct that such firemen shall be paid a monthly pension of fourteen dollars (\$14) from said fund. Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been a member of and served honorably for a period of twenty-five (25) years or more as an active member in any capacity of any regularly organized volunteer Fire Department of any municipality in this state, and the annual fee herein provided shall have been paid for a period of twenty-five (25) years, the Board of Trustees of such municipal corporation shall

Retirement
payments.

order and direct that such fireman shall be paid a monthly pension of forty dollars (\$40) from said fund upon such fireman attaining the age of sixty-five (65) years and for the balance of his life. Whenever any fireman at the time of taking effect of this act or thereafter, shall have been a member of and served honorably for a period of twenty-five (25) years or more as an active member in any capacity of any regularly organized volunteer Fire Department of any municipality in this state, and the annual fee herein provided shall have been paid for a period of less than twenty-five (25) years by reason of the fact that part of such service was rendered prior to the effective date of this act, the Board of Trustees of such municipal corporation shall order and direct that such fireman shall receive the minimum monthly pension herein provided increased by the sum of one dollar (\$1) each month for each year the annual fee herein provided shall have been paid, but not to exceed the maximum monthly pension herein provided, upon such fireman attaining the age of sixty-five (65) years and for the balance of his life. No pension herein provided shall become payable before the sixty-fifth (65th) birthday of the fireman. No pension herein provided shall be payable for any service less than twenty-five (25) years.

Retirement
payments.

Lump sum
payments.

SEC. 18. The Board of Trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(a) To any volunteer fireman, upon attaining the age of sixty-five (65) years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself and the municipality or municipalities in whose department he shall have served: *Provided, however,* That this provision shall not be construed as depriving any active fire-

man from completing the requisite number of years of active service after attaining the age of sixty-five (65) years as may be necessary to entitle him to the pension as herein provided.

(b) If any fireman dies before attaining the age at which a pension shall be payable to him under the provisions of this act, there shall be paid to his widow, or if there be no widow to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the Board of Trustees or to his estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself and the municipality or municipalities in whose department he shall have served. Payments to widow.

(c) If any fireman dies after beginning to receive the pension provided for in this act, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he shall have served, there shall be paid to his widow, or if there be no widow then to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the Board of Trustees, or to his estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself and the municipality or municipalities in whose department he shall have served and the amount received by him as a pensioner. Payment to heirs.

(d) If any volunteer fireman retires from the fire service before attaining the age of sixty-five (65) years, he may make application for the return of the amount paid into said fund by himself and for the return to the municipality of the amount paid into said fund on his behalf: *Provided, however,* That only the amount paid in by said municipalities in excess of the three dollars (\$3) annually paid into said Return of payments.

fund for death or disability shall be refunded in the instances provided for in this section.

Proof of service.

SEC. 19. The filing of reports of enrollment provided for by this act shall be *prima facie* evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to the enactment of this act. Proof of service of firemen prior to the enactment of this act shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the Board of Trustees and certified by it as sufficient: *Provided*, That such proof of service must be submitted within three (3) years from the effective date of this act.

Aggregate service.

SEC. 20. The aggregate term of service of any fireman need not be continuous nor need it be confined to a single Fire Department nor a single municipality in this state to entitle such fireman to pension: *Provided*, That he shall have been duly enrolled in a Fire Department of a municipality which shall have elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this act provided, and shall have paid all fees provided. To be eligible to the full pension a fireman shall have had an aggregate of twenty-five (25) years service, shall have made twenty-five (25) annual payments into the fund, and shall be at least sixty-five (65) years of age at the time of his retirement, all of which must have been in the Fire Department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen.

Certificate of disability.

SEC. 21. No fireman shall receive any pension from said fund, or be entitled to receive any relief or compensation for sickness or injuries received in the performance of his duties, unless there shall be filed with the Board of Trustees a certificate of disability or of tenure, which certificate shall be sub-

scribed and sworn to by the claimant, or member of the Board of Trustees, and in case of sickness or disability by the duly appointed or authorized attending physician, if there be one. The Board may require such other or further evidence as it may deem advisable before ordering any relief, compensation or pension.

SEC. 22. Whenever any fireman shall become disabled or sick in the performance of his duties by reason of which he shall be confined to any hospital, an amount not exceeding thirty dollars (\$30) weekly, or a proportional amount for less than a whole week, shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six (26) weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this act provided: *And further provided*, That costs of surgery and similar additional costs shall be paid in addition thereto in an amount equivalent to that allowed under the Industrial Insurance Act.

Disability
payments.

SEC. 23. Upon the death of any fireman resulting from injuries or sickness while in the performance of his duties, or while receiving any pension provided for in this act, the Board of Trustees shall authorize the issuance of a voucher for the sum of one hundred dollars (\$100) to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against said fund.

Death from
injuries or
sickness.

SEC. 24. The right of any person to any future payment under the provisions of this act shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Rights not
assignable.

Relief and
pension
fund.

SEC. 25. All moneys now in, or which shall hereafter be payable to, the Volunteer Firemen's Relief and Compensation Fund, are hereby transferred to, and shall hereafter be payable to, the Volunteer Firemen's Relief and Pension Fund, which is created as, and shall be a trust fund for the benefit of the firemen of the State of Washington as in this act provided, and the Volunteer Firemen's Relief and Compensation Fund is hereby abolished.

Partial
invalidity.

SEC. 26. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Acts
repealed.

SEC. 27. Chapter 121, Laws of 1935 (sections 9578-1 to 9578-11, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 773-37 to -57), is hereby repealed: *Provided*, That such repeal shall not be construed as affecting any act done or right acquired, or obligation incurred, or proceedings had or pending, under said act repealed, but the same shall be continued and prosecuted as though such act had not been repealed.

Passed the House February 14, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 19, 1945.

CHAPTER 262.

[H. B. 335.]

COAL MINING.

AN ACT relating to coal mining; providing for mining inspectors' examination; repealing all laws in conflict herewith; and declaring an emergency.

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

SECTION 1. Any person applying for a license as a Coal Mining Inspector shall take the examination for a first class certificate, as prescribed by law, and if the applicant successfully passes such examination, he shall be entitled to a Mine Inspector's certificate of competency: *Provided*, He has the other qualifications required by law. Examination of mining inspectors.

SEC. 2. All laws in conflict herewith are hereby repealed.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the House March 1, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 19, 1945.

CHAPTER 263.

[H. B. 536.]

REGULATION OF GROUND WATERS.

AN ACT providing for the regulation and control of certain ground waters within the State of Washington and rights to the use thereof; and making an appropriation.

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

Regulation of ground waters.

SECTION 1. This act regulating and controlling ground waters of the State of Washington shall be supplemental to chapter 117, Laws of 1917, as amended, (sections 7351 to 7400, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 993), which regulates the surface waters of the state, and is enacted for the purpose of extending the application of such surface water statutes to the appropriation and beneficial use of ground waters within the state.

Surface water not affected.

SEC. 2. The rights to appropriate the surface waters of the state and the rights acquired by the appropriation and use of surface waters shall not be affected or impaired by any of the provisions of this supplementary act and, to the extent that any underground water is part of or tributary to the source of any surface stream or lake, or that the withdrawal of ground water may affect the flow of any spring, water course, lake, or other body of surface water, the right of an appropriator and owner of surface water shall be superior to any subsequent right hereby authorized to be acquired in or to ground water.

Definition of ground water.

SEC. 3. All bodies of water that exist beneath the land surface and that there saturate the interstices of rocks or other materials—that is, the waters of underground streams or channels, artesian basins, underground reservoirs, lakes or basins, whose existence or whose boundaries may be rea-

sonably established or ascertained—are defined for the purposes of this act as “ground waters.” There is recognized a distinction between: (1) Water that exists in underground storage owing wholly to natural processes; for the purposes of this act such water is designated as “natural ground water.” (2) Water that is made available in underground storage artificially, either intentionally or incidentally, to irrigation and that otherwise would have been dissipated by natural waste; for the purposes of this act such water is designated as “artificially stored ground water.”

SEC. 4. Subject to existing rights, all natural ground waters of the state as defined in section 3 of this act, also all artificial ground waters that have been abandoned or forfeited, are hereby declared to be public ground waters and to belong to the public and to be subject to appropriation for beneficial use under the terms of this act and not otherwise.

Ground
waters
declared
public
property.

SEC. 5. After the effective date of this act no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the Supervisor of Hydraulics and a permit has been granted by him as herein provided: *Except, however,* That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a non-commercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand (5,000) gallons a day, or for an industrial purpose in an amount not exceeding five thousand (5,000) gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued

Permit for
withdrawal.

under the provisions of this act: *Provided, however,* That the Supervisor of Hydraulics from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal.

Applications
for permits.

SEC. 6. Applications for permits for appropriation of underground water shall be made in the same form and manner provided in sections 27 to 35, inclusive, chapter 117, Laws of 1917, as amended, the provisions of which sections are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by said sections 27 to 35, inclusive: *Provided,* That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post-office address of the applicant; (2) the name and post-office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the Supervisor of Hydraulics has designated such area, sub-area, or zone in accord with section 12 of this act; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre-feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works: *And provided further,* That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

SEC. 7. No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. The Supervisor of Hydraulics shall have the power to determine whether the granting of any such permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of his office, require further evidence, proof, and testimony before granting or denying any such permits.

Power to
deny permits.

SEC. 8. Upon a showing to the Supervisor of Hydraulics that construction has been completed in compliance with the terms of any permit issued under the provisions of this act, it shall be the duty of such Supervisor of Hydraulics to issue to the permittee a certificate of ground water right stating that the appropriation has been perfected under such permit: *Provided, however,* That such showing shall include the following information: (1) the location of each well or other means of withdrawal constructed under the permit, both with respect to official land surveys and in terms of distance and direction to any pre-existing well or wells or works constructed under an earlier permit or approved declaration of a vested right, provided the distance to such pre-existing well or works is not more than a quarter of a mile; (2) the depth and diameter of each well or the depth and general specifications of any other works constructed under the terms of the permit; (3) the thickness in feet and the physical character of each bed, stratum, or formation penetrated by each well; (4) the length and position, in feet below the land surface, and the commercial specifications of all casing, also of each screen or

Issuance of
certificate.

Issuance of
certificate.

perforated zone in the casing of each well constructed; (5) the tested capacity of each well in gallons a minute, as determined by measuring the discharge of the pump or pumps after continuous operation for at least four (4) hours or, in the case of a flowing well, by measuring the natural flow at the land surface; (6) for each non-flowing well, the depth to the static ground water level as measured in feet below the land surface immediately before the well-capacity test herein provided, also the draw-down of the water level, in feet, at the end of said well-capacity test; (7) for each flowing well, the shut-in pressure measured in feet above the land surface or in pounds per square inch at the land surface; and (8) such additional factual information as reasonably may be required by the Supervisor of Hydraulics to establish compliance with the terms of the permit and with the provisions of this act.

The well driller or other constructor of works for the withdrawal of public ground waters shall be obligated to furnish the permittee a certified record of the factual information necessary to show compliance with the provisions of this section.

Persons
entitled to
certificate.

SEC. 9. Any person, firm or corporation claiming a vested right to withdraw public ground waters of the state by virtue of prior beneficial use of such water shall, within three (3) years after the effective date of this act, be entitled to receive from the Supervisor of Hydraulics a certificate of ground water right to that effect: *Provided*, That the issuance by the Supervisor of Hydraulics of any such certificate of vested right shall be contingent on a declaration by the claimant in a form prescribed by said Supervisor, which declaration shall set forth: (1) the beneficial use for which such withdrawal has been made; (2) the date or approximate date of the earliest beneficial use of the water so withdrawn, and the continuity of such beneficial use;

(3) the amount of water claimed; (4) if the beneficial use has been for irrigation, the description of the land to which such water has been applied and the name of the owner thereof; and (5) so far as it may be available, descriptive information concerning each well or other works for the withdrawal of public ground water, as required of original permittees under the provisions of section 8 of this act: *Provided, however,* That in case of failure to comply with the provisions of this section within the three (3) years allotted, the claimant may apply to the Supervisor of Hydraulics for a reasonable extension of time, which shall not exceed two (2) additional years and which shall be granted only upon a showing of good cause for such failure: *And provided further,* That the small withdrawals in the classes exempted from the provisions of section 5 of this act are and shall be exempt from the provisions of this section.

Each such declaration shall be certified, either on the basis of the personal knowledge of the declarant or on the basis of information and belief. With respect to each such declaration there shall be publication, and findings in the same manner as provided in section 6 of this act in the case of an original application to appropriate water. If his findings sustain the declaration, the Supervisor of Hydraulics shall approve said declaration, which then shall be recorded at length in his office and may also be recorded in the office of the County Auditor of the county within which the claimed withdrawal and beneficial use of public ground water have been made. When duly approved and recorded as herein provided, each such declaration or copies thereof shall have the same force and effect as an original permit granted under the provisions of section 6 of this act, with a priority as of the date of the earliest beneficial use of the water.

Approval of
declaration.

Declarations heretofore filed with the Supervisor of Hydraulics in substantial compliance with the provisions of this section shall have the same force and effect as if filed after the effective date of this act.

Withdrawals
at other
locations.

SEC. 10. After an application to, and upon the issuance by the Supervisor of Hydraulics of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water: *Provided, however,* That such amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the Supervisor of Hydraulics only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Supervisor of Hydraulics may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in section 8 of this act in the case of an original permit.

Waste of
water.

SEC. 11. No public ground waters that have been withdrawn shall be wasted without economical beneficial use. The Supervisor of Hydraulics shall require all flowing wells to be so capped or equipped with valves that the flow of water can be completely

stopped when the wells are not in use under the terms of their respective permits or approved declarations of vested rights. Likewise, he shall also require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of public ground waters through leaky casings, pipes, fittings, valves, or pumps—either above or below the land surface: *Provided, however,* That the withdrawal of reasonable quantities of public ground water in connection with the construction, development, testing, or repair of a well shall not be construed as waste; also, that the inadvertent loss of such water owing to breakage of a pump, valve, pipe, or fitting shall not be construed as waste if reasonable diligence is shown by the permittee in effecting the necessary repair.

Waste of
water
prohibited.

In the issuance of an original permit, or of an amendment to an original permit or certificate of vested right to withdraw and appropriate public ground waters under the provisions of this act, the Supervisor of Hydraulics may, as in his judgment is necessary, specify for the proposed well or wells or other works a manner of construction adequate to accomplish the provisions of this section.

SEC. 12. As between appropriators of public ground water, the prior appropriator shall as against subsequent appropriators from the same ground water body be entitled to the preferred use of such ground water to the extent of his appropriation and beneficial use, and shall enjoy the right to have any withdrawals by a subsequent appropriator of ground water limited to an amount that will maintain and provide a safe sustaining yield in the amount of the prior appropriation. The Supervisor of Hydraulics shall have jurisdiction over the withdrawals of ground water and shall administer the ground water rights under the principle just set forth, and he shall have the jurisdiction to limit with-

Rights of
prior appro-
priator.

Supervisor
to designate
ground water
areas.

drawals by appropriators of ground water so as to enforce the maintenance of a safe sustaining yield from the ground water body. For this purpose, the Supervisor of Hydraulics shall have authority and it shall be his duty from time to time, as adequate factual data become available, to designate ground water areas or sub-areas, to designate separate depth zones within any such area or sub-area, or to modify the boundaries of existing such area, or sub-area, or zones to the end that the withdrawals therefrom may be administratively controlled as prescribed in section 13 of this act in order that overdraft of public ground waters may be prevented so far as is feasible. Each such area or zone shall, as nearly as known facts permit, be so designated as to enclose a single and distinct body of public ground water. Each such sub-area may be so designated as to enclose all or any part of a distinct body of public ground water, as the Supervisor of Hydraulics deems will most effectively accomplish the purposes of this act.

Notice of
ground water
zones.

Designation of, or modification of the boundaries of such a ground water area, sub-area, or zone may be proposed by the Supervisor of Hydraulics on his own motion or by petition to the Supervisor of Hydraulics signed by at least fifty (50) or one-fourth ($\frac{1}{4}$), whichever is the lesser number, of the users of ground water in a proposed ground water area, sub-area, or zone. Before any proposed ground water area, sub-area, or zone shall be designated, or before the boundaries of any existing ground water area, sub-area, or zone shall be modified, the Supervisor of Hydraulics shall publish a notice setting forth: (1) in terms of the appropriate legal subdivisions a description of all lands enclosed within the proposed area, sub-area, or zone, or within the area, sub-area, or zone whose boundaries are proposed to be modified; (2) the object of the proposed designation or modification of boundaries; and (3)

the day and hour, and the place where written objections may be submitted and heard. Such notice shall be published in three (3) consecutive weekly issues of a newspaper of general circulation in the county or counties containing all or the greater portion of the lands involved, and the newspaper of publication shall be selected by the Supervisor of Hydraulics. Publication as just prescribed shall be construed as sufficient notice to the land owners and water users concerned.

Publication
of notice.

Objections having been heard as herein provided, the Supervisor of Hydraulics shall make and file in his office written findings of fact with respect to the proposed designation or modification and, if the findings are in the affirmative, shall also enter a written order designating the ground water area, or sub-area, or zone or modifying the boundaries of the existing area, or sub-area, or zone. Such findings and order shall also be published substantially in the manner herein prescribed for notice of hearing, and when so published shall be final and conclusive unless an appeal therefrom is taken within the period and in the manner prescribed by section 16 of this act. Publication of such findings and order shall give force and effect to the remaining provisions of this section and to the provisions of section 13 of this act, with respect to the particular area, sub-area, or zone.

Finding
of fact.

Publication.

Priorities of right to withdraw public ground water shall be established separately for each ground water area, sub-area, or zone and, as between such rights, the first in time shall be the superior in right. With respect to time, the effective date of a right shall be the date of issue of a valid permit under the provisions of section 5 of this act, or the date or approximate date of the earliest beneficial use of water as set forth in a certificate of a vested ground water right, under the provisions of section 7 of this act.

Must
establish
separate
priorities.

Filing of
declaration.Contents of
declaration

Within ninety (90) days after the designation of a ground water area, sub-area or zone as herein provided, any person, firm or corporation then claiming to be the owner of artificially stored ground water within such area, sub-area, or zone shall file a certified declaration to that effect in the office of the Supervisor of Hydraulics on a form prescribed by said Supervisor. Such declaration shall cover:

- (1) the location and description of the works by whose operation such artificial ground water storage is purported to have been created, and the name or names of the owner or owners thereof;
- (2) a description of the lands purported to be underlain by such artificially stored ground water, and the name or names of the owner or owners thereof;
- (3) the amount of such water claimed;
- (4) the date or approximate date of the earliest artificial storage;
- (5) evidence competent to show that the water claimed is in fact water that would have been dissipated naturally except for artificial improvements by the claimant; and
- (6) such additional factual information as reasonably may be required by the Supervisor of Hydraulics.

If any of the purported artificially stored ground water has been or then is being withdrawn, the claimant also shall file (1) the declarations which sections 7 and 8 of this act require of claimants to a vested right to withdraw public ground waters, and (2) evidence competent to show that none of the water withdrawn under those declarations is in fact public ground water from the area, sub-area, or zone concerned: *Provided, however,* That in case of failure to file a declaration within the 90-day period herein provided, the claimant may apply to the Supervisor of Hydraulics for a reasonable extension of time, which shall not exceed two (2) additional years and which shall be granted only upon a showing of good cause for such failure.

Following publication of the declaration and findings—as in the case of an original application, permit, or certificate of right to appropriate public ground waters—the Supervisor of Hydraulics shall accept or reject such declaration or declarations with respect to ownership or withdrawal of artificially stored ground water. Acceptance of such declaration or declarations by the Supervisor of Hydraulics shall convey to the declarant no right to withdraw public ground waters from the particular area, sub-area, or zone, nor to impair existing or subsequent rights to such public waters.

Publication
of declara-
tion.

Any person, firm or corporation hereafter claiming to be the owner of ground water within a designated ground water area, sub-area, or zone by virtue of its artificial storage subsequent to such designation shall, within three (3) years following the earliest artificial storage file a declaration of claim in the office of the Supervisor of Hydraulics, as herein prescribed for claims based on artificial storage prior to such designation: *Provided, however,* That in case of such failure the claimant may apply to the Supervisor of Hydraulics for a reasonable extension of time, which shall not exceed two (2) additional years and which shall be granted upon a showing of good cause for such failure.

Limitation
of time.

Any person, firm or corporation hereafter withdrawing ground water claimed to be owned by virtue of artificial storage subsequent to designation of the relevant ground water area, sub-area, or zone shall, within ninety (90) days following the earliest such withdrawal, file in the office of the Supervisor of Hydraulics the declarations required by section 8 of this act with respect to withdrawals of public ground water.

SEC. 13. At any time the Supervisor of Hydraulics may hold a hearing on his own motion, and shall hold a hearing upon petition of at least fifty (50) or one-fourth ($\frac{1}{4}$), whichever is the lesser

Hearings.

number, of the holders of valid rights to withdraw public ground waters from any designated ground water area, sub-area, or zone, to determine whether the water supply in such area, sub-area, or zone is adequate for the current needs of all such holders. Notice of any such hearing, and the findings and order resulting therefrom shall be published in the manner prescribed in section 12 of this act with respect to the designation or modification of a ground water area, or sub-area, or zone.

Withdrawals
may be
decreased.

If such hearing finds that the total available supply is inadequate for the current needs of all holders of valid rights to withdraw public ground waters from the particular ground water area, sub-area, or zone, the Supervisor of Hydraulics shall order the aggregate withdrawal from such area, sub-area, or zone decreased so that it shall not exceed such available supply. Such decrease shall conform to the priority of the pertinent valid rights and shall prevail for the term of shortage in the available supply. Except that by mutual agreement among the respective holders and with the Supervisor of Hydraulics, the ordered decrease in aggregate withdrawal may be accomplished by the waiving of all or some specified part of a senior right or rights in favor of a junior right or rights: *Provided*, That such waiving of a right or rights by agreement shall not modify the relative priorities of such right or rights as recorded in the office of the Supervisor of Hydraulics.

Abandon-
ment of use.

SEC. 14. In the event that the Supervisor of Hydraulics shall find that withdrawal and use of ground water under a claimed or valid ground water right has been discontinued for a period of five (5) years, he may presume such rights to have been abandoned and upon notice to the person owning or claiming such right he may require such owner or claimant to show cause before the Supervisor why such right should not be determined to have been aban-

doned by non-use. If upon the hearing, at the time and place fixed in the notice thereof, the Supervisor shall find and determine such use of water to have been abandoned, he shall enter an order determining such right to have been abandoned and shall cancel any water right covered by such appropriation.

SEC. 15. The Supervisor of Hydraulics, as in his judgment is deemed necessary and advisable, may appoint one or more ground water supervisors for each designated ground water area, sub-area, or zone, or may appoint one or more ground water supervisors-at-large. Within their respective jurisdictions and under the direction of the Supervisor of Hydraulics, such supervisor and supervisors-at-large shall supervise the withdrawal of public ground waters and the carrying out of orders issued by the Supervisor of Hydraulics under the provisions of this act. Supervisors.

The duties, compensation, and authority of such supervisors or supervisors-at-large shall be those prescribed for water masters under the terms of sections 9 and 10 of chapter 117, Laws of 1917. Duties.

SEC. 16. Any person, corporation or association feeling aggrieved at any order, decision, or determination of the State Supervisor of Hydraulics, or of any assistant or deputy, or any ground water supervisor or ground water supervisor-at-large, affecting his interests, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, and in the manner provided by section 11, chapter 117, Laws of 1917, as amended by section 1, chapter 71, Laws of 1919, with respect to surface waters. Appeals.

SEC. 17. In his discretion or upon the application of any party claiming right to the withdrawal and use of public ground water, the Supervisor of Hydraulics may file a petition with the Superior

Court
determina-
tion of
withdrawal
rights.

Court of the county for the determination of the rights of appropriators of any particular ground water body and all the provisions of sections 14 to 26, inclusive, chapter 117, Laws of 1917 as heretofore amended, shall govern and apply to the adjudication and determination of such ground water body and to the ownership thereof. Hereafter, in any proceedings for the adjudication and determination of water rights—either rights to the use of surface water or to the use of ground water, or both—pursuant to chapter 117, Laws of 1917 as heretofore amended, all appropriators of ground water or of surface water in the particular basin or area may be included as parties to such adjudication, as pertinent.

Jurisdiction
reserved.

SEC. 18. In any determination of the right to withdrawal of ground water under sections 16 or 17 of this act, the Supervisor's findings and the court's findings and judgment shall determine the priority of right and the quantity of water to which each appropriator who is a party to the proceedings shall be entitled, shall determine the level below which the ground water body shall not be drawn down by appropriators, or shall reserve jurisdiction for the determination of a safe sustaining water yield as necessary from time to time to preserve the rights of the several appropriators and to prevent depletion of the ground water body.

Investiga-
tions.

SEC. 19. The Supervisor of Hydraulics is hereby authorized to make such investigations, as may be necessary to determine the location, extent, depth, volume, and flow of all ground waters within the state and in making such examination, hereby is authorized and directed to cooperate with the Federal Government, with any county or municipal corporation, or any person, firm, association or corporation, and upon such terms as may seem appropriate to him.

In connection with such investigation, the Supervisor of Hydraulics from time to time may require reports from each ground water appropriator as to the amount of public ground water being withdrawn and as to the manner and extent of the beneficial use. Such reports shall be in a form prescribed by said Supervisor.

Reports.

SEC. 20. The sum of thirty thousand dollars (\$30,000) is hereby appropriated to the Department of Conservation and Development from the moneys of the General Fund, not otherwise appropriated, to carry out the provisions of this act.

Appropriation.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 19, 1945.

CHAPTER 264.

[H. B. 47.]

PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to and authorizing the establishment of Public Hospital Districts, and the consolidation thereof and annexation thereto; providing for the construction, purchase, lease, condemnation and purchase, acquisition, maintenance, conducting, operation, development and regulation by such districts of hospital facilities; providing for the revenue for the operation of such hospitals; and prescribing, defining and regulating the powers, duties and government of such hospital districts.

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

SECTION 1. The purpose of this act is to authorize the establishment of Public Hospital Districts to own and operate hospitals and to supply hospital service for the residents of such districts and other persons.

Public hospital districts.

SEC. 2. Municipal corporations, to be known as Public Hospital Districts, are hereby authorized

and may be established within the State of Washington in counties having less than 25,000 population.

Election
to form.

SEC. 3. At any general election the Board of County Commissioners of any county of this state may, or on petition of ten per cent (10%) of the qualified electors of such county, based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of such county the proposition of creating a Public Hospital District which shall be coextensive with the limits of such county as now or hereafter established. Such petition shall be filed with the County Auditor, who shall within fifteen (15) days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the County Auditor shall have access to all registration books in the possession of election officers within such county. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten (10) days, when the same shall be returned to the County Auditor, who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person signing such petition shall be allowed to withdraw his name therefrom after the filing of the same with the County Auditor. Whenever such petition shall be certified to as sufficient, the County Auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the Board of County Commissioners, who shall thereupon immediately transmit such proposition to the election board of such county, and it shall be the duty of such county election board to submit such proposition to the voters at the next general election. The notice of the election shall state the boundaries of the proposed Public Hospital District and the object of such election, and shall in other respects conform to the requirements of the law of the State of Washington,

Notice of
election.

governing the time and manner of holding elections. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

For Public Hospital District No.

Against Public Hospital District No.

SEC. 4. Any petition for the formation of a Public Hospital District may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed containing not less than ten per cent of the voters of the proposed district who voted at the last general election, certified by the Auditor in like manner as for a county-wide district, the Board of County Commissioners shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two (2) weeks prior to the date of the hearing, together with a notice stating the time of the meeting when such petition will be heard. Such publications required by this act shall be in a newspaper published in the proposed or established Public Hospital District, or, if there be no such newspaper, then in a newspaper published in the county in which such district is situated, and of general circulation in such county. The hearing on such petition may be adjourned from time to time, not exceeding four (4) weeks in all. If upon the final hearing the Board of County Commissioners shall find that any lands have been unjustly or improperly included within the proposed Public Hospital District the said Board shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed Public Hospital District: *Provided,*

Area defined.

Hearing on petition.

Boundary changes.

That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of such lands. Thereafter the same procedure shall be followed as prescribed in this act for the formation of a Public Hospital District including an entire county, except that the petition and election shall be confined solely to the lesser Public Hospital District.

Hospital
District
Commission-
ers.

SEC. 5. The provisions of chapter 1, Laws of 1931 relating to elections, vacancies, procedure of the commission and boundaries and consolidation of public utility districts shall govern public hospital districts created under this act, except that Public Hospital District Commissioners shall hold office for the term of six (6) years and until their respective successors are elected and qualified, each term to commence on the second Monday in January in each year following the election thereto. At the same election at which the proposition is submitted to the voters as to whether a Public Hospital District shall be formed, three (3) commissioners shall be elected to hold office, respectively, for the term of two (2), four (4) and six (6) years. All candidates shall be voted upon by the entire Public Hospital District, and the candidate residing in commissioner district number one receiving the highest number of votes in the Public Hospital District shall hold office for the term of six (6) years; and the candidate residing in commissioner district number two receiving the highest number of votes in the Public Hospital District shall hold office for the term of four (4) years; and the candidate residing in commissioner district number three receiving the highest number of votes in the Public Hospital District shall hold office for the term of two (2) years, each of said terms to date from the times specified in this section following the election, but also to include the period intervening

Terms of
office.

between the election and the beginning of the regular terms specified in this section.

SEC. 6. All Public Hospital Districts organized under the provisions of this act shall have power: Power of districts.

(a) To make a survey of existing hospital facilities within and without such district.

(b) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the State of Washington in the acquisition of property rights: *Provided*, That no Public Hospital District shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, non-profit establishment or against a hospital clinic or sanatorium operated by a religious group or organization.

(c) To lease existing hospitals and equipment and/or other property used in connection therewith, and to pay such rental therefor as the Commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said Commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or Leasing of hospitals.

individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: *Provided*, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the District Commissioners.

Powers of district.

(d) For the purposes aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance and operation of any such hospital.

(e) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the public hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, said bonds not to be sold for less than par and accrued interest.

Tax levy.

(f) To raise revenue by the levy of an annual tax on all taxable property within such Public Hospital District not to exceed three (3) mills. The Commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the Commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the Commission shall hold a public hearing on said proposed budget at which any taxpayer may appear

and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the Commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the Commission shall be certified to and collected by the proper county officer of the county in which such Public Hospital District is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The Commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrant shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six per cent (6%) per annum.

Powers of
districts.

(g) To enter into any contract with the United States Government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this act.

(h) To sue and be sued in any court of competent jurisdiction: *Provided*, That said Public Hospital District shall not be liable for negligence for any act of any officer, agent or employee of said district: *And provided*, That all suits against the Public Hospital District shall be brought in the county in which the Public Hospital District is located.

(i) To make contracts, employ superintendents, attorneys and other technical or professional assistance and all other employees; to print and publish information or literature and to do all other things necessary to carry out the provisions of this act.

Superinten-
dent.

SEC. 7. The Public Hospital District Commission shall appoint a Superintendent, who shall be appointed for an indefinite time and be removable at the will of the Commission. Appointments and removals shall be by resolution, introduced at a regular meeting and adopted at a subsequent regular meeting by a majority vote. He shall receive such salary as the Commission shall fix by resolution.

Inspection
by Health
Department.

SEC. 8. The Washington State Department of Health shall be authorized to inspect all premises maintained or operated by any hospital district created hereunder. No district shall construct any building or make any alteration therein without first having obtained the approval of the Washington State Board of Health as to plans of such construction and the site thereof.

Duties of
Superinten-
dent.

SEC. 9. The Superintendent shall be the chief administrative officer of the Public District Hospital and shall have control of administrative functions of said hospital. He shall be responsible to the Commission for the efficient administration of all affairs of the hospital. In case of the absence or temporary disability of the Superintendent a competent person shall be appointed by the Commission. The Superintendent shall be entitled to attend all meetings of the Commission and its committees and to take part in the discussion of any matters pertaining to the duties of his department, but shall have no vote.

Medical
management.

SEC. 10. The medical management shall be subject to approval of the medical staff. All hospitals operated by Public Hospital Districts shall be operated in compliance with the standards set by the Council on Medical Education and Hospitals of the American Medical Association.

SEC. 11. The Public Hospital District Superintendent shall have power, and it shall be his duty:

1. To carry out the orders of the Commission, and to see that all the laws of the state pertaining to

matters within the functions of his department are duly enforced.

2. To keep the Commission fully advised as to the financial condition and needs of the district. To prepare, each year, an estimate for the ensuing fiscal year of the probable expenses of his department, and to recommend to the Commission what development work should be undertaken, and what extensions and additions, if any, should be made, during the ensuing fiscal year, with an estimate of the costs of such development work, extensions and additions. To certify to the Commission all the bills, allowances and pay-rolls, including claims due contractors of public works. To recommend to the Commission salaries of the employees of his office and a scale of salaries or wages to be paid for the different classes of service required by the district.

Powers and duties of Superintendent.

SEC. 12. Whenever the Commission shall deem it advisable that the Public Hospital District purchase, purchase and condemn, acquire, or construct any such public hospital, 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, and specify the amount of indebtedness, the amount of interest and the time in which all bonds shall be paid, not to exceed thirty (30) years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the Public Hospital District to an amount exceeding one and one-half per cent ($1\frac{1}{2}\%$) of the taxable property of the Public Hospital District, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said Public Hospital District for their assent at the next general election held in such Public Hospital District.

Issuance of bonds.

Election
to ratify.

SEC. 13. Whenever the Commission (or majority of the qualified voters of such Public Hospital District, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public hospital, as aforesaid, and shall have authorized indebtedness therefor by a majority vote of the qualified voters of such district voting at said election, general or public hospital bonds may be used as hereinafter provided. All bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed six per cent (6%), and the place and date of the payment of both principal and interest. The bonds shall be signed by the President of the Commission, attested by the Secretary of the Commission, and the seal of the Public Hospital District shall be affixed to each bond but not to the coupon: *Provided, however,* That said coupon, in lieu of being so signed, may have printed thereon a fac simile of the signatures of such officers.

Payment
of bonds.

SEC. 14. The principal and interest of such general bonds shall be paid from the revenues of such Public Hospital District after deducting costs of maintenance, operation, and expenses of the Public Hospital District, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within the district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the Commission shall deem for the best interest of the district. All bonds and warrants issued under the authority of 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 or City Treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

SEC. 15. The Commissioners shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties hereunder. No resolution shall be adopted without a majority vote of the whole Commission. The Commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the Commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

Expenses of
Commis-
sioners.

SEC. 16. The County Treasurer of the county in which such district is situated shall be the treasurer of the district, and all funds of the district shall be paid to him as such treasurer and shall only be disbursed by him on warrants drawn and signed by an auditor to be appointed by the Commission, upon order of or vouchers approved by the Commission. The County Treasurer shall create a fund for any Public Hospital District, to be known as Public Hospital District Fund, into which shall be paid all money received by him from the collection of taxes in behalf of such Public Hospital District, and he shall also maintain such other special funds as may be created by the Public Hospital Commission, into which shall be placed such moneys as the Public Hospital Commission may by its resolution direct. All such Public Hospital District Funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories, and all interest collected on such public hospital funds shall belong to such Public Hospital District Funds.

Public
hospital
district fund
created.

Purchase of
materials
or work.

SEC. 17. All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars (\$5,000), shall be by contract. Before awarding any such contract, the Commission shall cause to be published a notice at least thirty (30) days before the letting of said contract, inviting sealed proposals for such work, plans and specifications which must at the time of the publication of such notice be on file at the office of the Public Hospital District, subject to public inspection: *Provided, however,* That the Commission may at the same time, and as part of the same notice, invite tenders for said work or materials upon plans and specifications to be submitted by bidders. 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 Commission on or before the day and hour named therein. Each bid shall be accompanied by a certified check, payable to the order of the Commission, 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 Commission shall proceed to canvass the bids, and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the estimated cost of said materials or work, or if, in the opinion of the Commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all checks shall be returned to the bidders; but if such contract be let, 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 for doing such work, and a bond to perform such work

furnished, with sureties satisfactory to the Commission, in an amount to be fixed by the Commission, not less than twenty-five per cent (25%) of contract price in any case, between the bidder and Commission, in accordance with the bid. If such 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 Public Hospital District.

SEC. 18. Every contractor and subcontractor performing any work for said Public Hospital Districts within said Public Hospital District shall pay or cause to be paid to its employees on such work or under such contract or subcontract not less than the minimum scale fixed by the resolution of the Commission prior to the notice and call for bids on such work. The Commission in fixing scale of wages shall fix the same as nearly as possible to the current prevailing and going wages within the district for work of like character.

Minimum wages on contract.

SEC. 19. All funds collected for or allocated for any hospital service, within the area of a Public Hospital District, shall be paid by any county, city, state or Federal department, bureau or institution, to the County Treasurer of the county in which said Public Hospital Districts are located, for the use and benefit of and to the credit of said Public Hospital District.

Use of funds.

SEC. 20. After this act becomes effective a special election may be called at any time by the election board prior to the next general election, to create such hospital districts where the petition for the creation of such districts so provide or were ordered by the County Commissioners.

Special elections.

SEC. 21. Adjudication of invalidity of any section, clause or part of a section of this act shall not

Partial
invalidity.

impair or otherwise affect the validity of the act as a whole or any other part thereof. The rule of strict construction shall have no application to this act, but the same shall be liberally construed, in order to carry out the purposes and objects for which this act is intended. When this act comes in conflict with any provisions, limitation or restriction in any other law, this act shall govern and control.

Acts
repealed.

SEC. 22. This act shall not be deemed or construed to repeal or affect any existing act, or any part thereof, relating to the construction, operation and maintenance of public hospitals, but shall be supplemental thereto and concurrent therewith.

Passed the House February 24, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 20, 1945.

CHAPTER 265.

[H. B. 185.]

ELECTIONS—ABSENTEE VOTING—IRRIGATION
DISTRICTS.

AN ACT to provide for a period of five years for absentee voting in the case of elections to authorize or ratify making of contracts pursuant to the provisions of section 12, page 678, Laws of 1889-90, as last amended by section 6, chapter 129, Laws of 1921 (section 7429, Remington's Revised Statutes, also Pierce's Perpetual Code 679-41), between the United States and any irrigation district comprising 200,000 acres or more, and the procedure with respect to such voting.

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

Absentee
voting in
irrigation
districts.

SECTION 1. For a period ending five years from the effective date of this act, absentee voting shall be permitted, on the terms provided in this act, by any irrigation district of the state comprising two hundred thousand (200,000) acres or more of land in connection with any election that is required by law to

authorize or ratify the making of any contract with the United States pursuant to the provisions of section 12, page 678, Laws of 1889-90, as last amended by section 6, chapter 129, Laws of 1921 (section 7429, Remington's Revised Statutes, also Pierce's Perpetual Code 679-41).

SEC. 2. Any qualified district elector who certifies as hereinafter provided that he cannot conveniently be present to cast his ballot at his proper election precinct on the day of any election coming within the terms of this act shall be entitled to vote by absentee ballot in such election in the manner herein provided.

Absentee voters.

SEC. 3. The notice of election, in any case coming within this act, shall conform to the requirements for election notices provided by section 15, page 679, Laws of 1889-90, as last amended by section 9, chapter 138, Laws of 1923 (section 7432, Remington's Revised Statutes), and shall specify in addition that any qualified district elector who certifies that he cannot conveniently be present at his proper election precinct on the day of election may vote by absentee ballot, and that a ballot and form of certificate of qualifications will be furnished to him on written request being made of the district's secretary. The requisite ballot and a form of certificate of qualifications shall be furnished by the district's secretary to any person who prior to the date of election makes written request therefor, stating that he is a qualified district elector. Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor.

Notice of election.

Ballot furnished.

SEC. 4. (a) To be counted in a given election, an absentee ballot must conform to these requirements:

Requirements for counting.

(1) It must be sealed in an unmarked envelope and delivered to the district's principal office prior to the close of the polls on the day of that election; or

be sealed in an unmarked envelope and mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within ten days of that day.

Require-
ments for
counting
ballots.

(2) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, his name, age, citizenship, residence, that he holds title or evidence of title to lands within the district that have not been and will not be withdrawn from the district pursuant to the provisions of section 5, chapter 275, Laws of 1943 (section 7525-24, Remington's Revised Statutes), and that he cannot conveniently be present to cast his ballot at his proper election precinct on election day.

(3) The statements in the certificate of qualifications shall be certified as correct by the voter by the affixing of his signature thereto in the presence of a witness who is acquainted with the voter, and the voter shall enclose and seal his ballot in the unmarked envelope in the presence of this witness but without disclosing his vote. The witness, by affixing his signature to the certificate of qualifications, shall certify that he is acquainted with the voter, that in his presence the voter's signature was affixed and the ballot enclosed as required in this paragraph.

(b) The form of statement of qualifications and its certification shall be substantially as prescribed by the district's board of directors. This form may also provide that the voter shall describe all or some part of his lands within the district, but a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given. The regular form of irrigation district ballot shall be used by absentee voters.

SEC. 5. (a) Prior to the first notice of election, in the case of any election coming within this act,

the district's board of directors shall appoint one inspector and two judges to constitute the board of election for absentee votes. The board may appoint such clerks as it requires.

(b) Absentee ballots shall be accumulated and kept, unopened, by the district's secretary until the time in which such ballots may be received is closed. The secretary shall deliver them to such board of election as early as practicable in the following day. That board shall proceed at once to determine whether the voters submitting absentee ballots are qualified so to vote and to count and tally the votes of those so determined to be qualified. The board shall make, record and certify the result of its determinations and count substantially as provided in sections 7 and 8, page 675, Laws of 1889-90 (section 7424 and 7425, Remington's Revised Statutes); and promptly thereafter it shall deliver the ballots, certificates of qualifications, and its certificate to the district's secretary. The provisions of said section 8 (section 7425, Remington's Revised Statutes) with respect to recount shall govern also in the case of absentee ballots.

Canvass of
ballots.

(c) On the completion of the canvass of the regular returns of the several election precincts as provided in section 9, page 676, Laws of 1889-90 (section 7426, Remington's Revised Statutes), the board of directors shall recess its meeting until it has received the returns from the board of election for absentee votes. It shall thereupon canvass the latter returns and declare the result thereof in substantially the same manner as provided for the returns of the votes cast in the regular manner. The statement of result required by the provisions of section 10, page 676, Laws of 1889-90, as last amended by section 4, chapter 165, Laws of 1913, (section 7427, Remington's Revised Statutes), however, shall be postponed until the results of the canvass of absentee ballots have been declared. Thereupon the statement of the

Statement
of result of
election.

result conforming as nearly as practicable to the requirements of said section 10, as amended, (section 7427, Remington's Revised Statutes), shall be made covering both regular and absentee votes.

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 February 24, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 19, 1945.

CHAPTER 266.

[H. B. 343.]

WASHINGTON TOLL BRIDGE AUTHORITY.

AN ACT relating to toll bridges; relating to the powers and duties of the Washington Toll Bridge Authority and certain officers; authorizing the purchase and operation of toll bridges, highway and ferry connections and approaches thereto; providing for issuance and sale of bonds and the conditions, terms and redemption thereof; providing for the deposit and use of certain funds and revenues; and amending chapter 173, Laws of 1937, by adding a new section thereto to be known as section 3A.

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

Amend-
ment.

SECTION 1. Chapter 173, Laws of 1937, is amended by adding thereto a new section following section 3, to be designated section 3A, which shall read as follows:

Section 3A. (a) The Washington Toll Bridge Authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (1) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (2) together with approaches thereto.

(b) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (a) of this section, the Washington Toll Bridge Authority, the Director of Highways, the State Treasurer, the State Auditor, any city, county or other political subdivision of this state, and all said officers—

(1) are empowered and required to do all acts and things as in this act provided for the establishing and constructing of toll bridges and operating, financing and maintaining such bridges in so far as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

Powers
and duties
of Toll
Bridge
Authority.

(2) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this act for the establishing, constructing, operating, financing and maintaining of toll bridges in so far as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(c) Without limiting the generality of the provisions contained in subsections (a) and (b) hereof, the Washington Toll Bridge Authority is empowered

(1) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this act; (2) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (3) to collect, deposit, and expend tolls therefrom; (4) to secure and remit financial and other assistance in the purchase thereof; and (5) to carry insurance thereon.

(d) The provisions of section 13 of this act shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section.

Passed the House March 2, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 19, 1945.

CHAPTER 267.

[H. B. 494.]

DEPARTMENT OF TRANSPORTATION—DEPARTMENT OF PUBLIC UTILITIES.

AN ACT relating to state government; creating a Department of Transportation and a Department of Public Utilities; providing for the appointment of directors thereof and prescribing their powers and duties; abolishing the Department of Public Service; creating funds and abolishing the Public Service Revolving Fund; providing for the transfer of property and business of such department to the departments created by this act, and declaring that this act shall take effect April 1, 1945.

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

Creation of
Departments
of Transporta-
tion and
Public
Utilities.

SECTION 1. There are hereby created two departments of state government which shall be known, respectively, as the Department of Transportation and the Department of Public Utilities. The chief executive officer of the Department of Transportation shall be designated the Director of Transportation and the chief executive officer of the Department of Public Utilities shall be designated the Director of Public Utilities. Each such director shall be appointed by the Governor, with the consent of the Senate, and shall hold office at the pleasure of the Governor. If the Senate be not in session when this act takes effect or if a vacancy occur while the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall present to the Senate his nomination or nominations for the offices to be filled.

SEC. 2. The Director of Transportation shall have general charge, supervision and direction of the Department of Transportation and shall have power to employ such accounting, engineering, expert, clerical and other office personnel as may be necessary to the proper administration of the department.

Powers of
Director of
Transporta-
tion.

SEC. 3. The Director of Public Utilities shall have general charge, supervision and direction of the Department of Public Utilities and shall have power to employ such accounting, engineering, expert, clerical and other office personnel as may be necessary to the proper administration of the department.

Powers of
Director of
Public
Utilities.

SEC. 4. The Director of Transportation and Director of Public Utilities shall have power to make such rules and regulations as may be necessary to carry out the powers and duties of their respective departments.

Rule making
powers.

SEC. 5. The Director of Transportation shall have power and it shall be his duty:

Duties of
Director of
Transporta-
tion.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Director of Public Service, through and by means of the Division of Transportation;

(2) To regulate in the public interest, as provided by the public service laws of this state, the rates, services, facilities and practices of all persons, firms and corporations engaging in the transportation within this state of persons or property for compensation by whatever means, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen and wharfingers and warehousemen;

(3) To exercise such other powers and perform such other duties as may be prescribed by law;

(4) To appoint such qualified assistants as may be necessary to carry on the administrative work of the department and to designate one or more of such assistants to perform such duties in the name of the Director as he may deem expedient.

Duties of Director of Public Utilities.

SEC. 6. The Director of Public Utilities shall have the power and it shall be his duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Director of Public Service, through and by means of the Division of Public Utilities;

(2) To regulate in the public interest, as provided by the public service laws of this state, the rates, services, facilities and practices of all persons, firms and corporations engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electric companies, gas companies, irrigation companies, telegraph companies, telephone companies and water companies;

(3) To exercise such other powers and perform such other duties as may be prescribed by law;

(4) To appoint such qualified assistants as may be necessary to carry on the administrative work of the department and to designate one or more of such assistants to perform such duties in the name of the Director as he may deem expedient.

Effective date.

SEC. 7. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1945, on which date all powers heretofore exercised and all duties heretofore performed by the Department of Public Service, through and by means of the Division of Transportation and the Division of Public Utilities, shall devolve, respectively, upon the Department of

Transportation and the Department of Public Utilities created by this act. The Department of Public Service, together with the divisions thereof, is hereby abolished, but such abolishment shall not in any way affect, impair or abrogate any of the powers conferred by the statutes whereby such department and divisions were created or those conferred by any other statute heretofore enacted pertaining to the regulation of public service companies. The incumbents of the Department of Public Service and its divisions abolished by this act may continue to hold office and perform any act required of them by law until such time after April 1, 1945, as the Department of Transportation and the Department of Public Utilities are organized and the directors thereof are duly appointed and qualified and any act performed by them prior to that time shall be valid and binding.

SEC. 8. Upon the organization of the departments created by this act and the appointment and qualification of directors thereof, all funds, books, papers, documents, records, data, files and all other equipment and property belonging to the Department of Public Service and its divisions abolished by this act, together with pending business pertaining thereto, shall be delivered to the appropriate department created by this act. If any question shall arise as to the proper division or disposition of such property or business, the matter shall be referred to the Governor for determination.

Division
of Records
and Equip-
ment.

SEC. 9. Any statute heretofore enacted which affects the regulation of public service companies generally, and without specification as to type or class, shall continue to be given application to all such companies whether by this act they are brought within the jurisdiction of the Department of Transportation or the Department of Public Utilities.

Effect of
prior laws.

SEC. 10. The Public Service Revolving Fund is abolished as of April 1, 1945, and as of such date

Creation
of funds.

there is created in the Department of Transportation a Transportation Revolving Fund and in the Department of Public Utilities a Public Utilities Revolving Fund, and there shall be transferred to each such fund its proper proportion of monies which then remain on hand to the credit of the Public Service Revolving Fund, subject to outstanding warrants and other obligations chargeable to appropriations previously made from the Public Service Revolving Fund. From and after the effective date of this act, regulatory fees payable by public service companies shall continue to be payable as heretofore, but shall be payable into either the Transportation Revolving Fund or the Public Utilities Revolving Fund on the basis of whether the remitting company or class of company is subject to the jurisdiction of the Department of Transportation or the Department of Public Utilities.

Passed the House March 7, 1945.

Passed the Senate March 6, 1945.

Approved by the Governor March 20, 1945.

CHAPTER 268.

[S. S. B. 368.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase, condemnation and improvement of land, for the purchase and/or construction of buildings and improvements for the various state institutions designated and mentioned, designating certain projects when authorized by law, and for miscellaneous purposes for the fiscal biennium beginning April 1, 1945, and ending March 31, 1947, except as otherwise provided.

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

SECTION 1. For the purpose of providing work projects to relieve future unemployment, the Governor is authorized to direct the construction of the following projects from any appropriations made available therefor by law:

Postwar
employment.

For the Military Department, purchase, construction and equipment of armories to be constructed in the following localities: Snohomish, Omak-Okanogan, Pasco - Kennewick, Raymond - South Bend, Mount Vernon, Wenatchee, Port Angeles, Kelso-Longview, Bremerton - Port Orchard, Vancouver-Camas, Spokane and Grand Coulee; for the construction of a Naval and Marine Corps Reserve Armory at Tacoma, Washington; for an addition to the building of the Washington State Historical Society at Tacoma, Washington; for the construction and equipment of junior college buildings in the following localities: Mount Vernon, Everett, Longview, Grays Harbor, Wenatchee, Yakima, Vancouver and Centralia.

Construction
of armories.

Junior
colleges.

SEC. 2. The following appropriations or so much thereof as may be necessary are hereby appropriated for salaries and wages of certain officers and em-

ployees of the state, for the operation, maintenance and other expenses of state institutions, departments and offices, for the purchase, condemnation and improvement of land, for the construction of buildings and improvements for various state institutions designated and mentioned: *Provided*, That the following appropriations shall become available only in such amounts and at such times as the Governor shall approve in writing.

FROM THE GENERAL FUND.

Department of Agriculture.

FOR THE DEPARTMENT OF AGRICULTURE:

Salaries and wages.....	\$29,290.00	
Operations	15,025.00	
Total		\$44,315.00

FROM THE FEED AND FERTILIZER FUND.

Operations (expenditures not to exceed fees heretofore or hereafter collected)	\$1,300.00
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FROM THE GRAIN AND HAY INSPECTION FUND.

Operations (expenditures not to exceed fees heretofore or hereafter collected)	\$4,250.00
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FROM THE COMMISSION MERCHANTS' FUND.

Operations (expenditures not to exceed fees heretofore or hereafter collected)	\$4,000.00
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FROM THE GENERAL FUND.

Department of Conservation and Development.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Soil Survey:		
Salaries, wages and operations..	\$34,555.00	
Flood Control:		
To be expended in accordance with the provisions of Chapter 204, Laws of 1941.....	200,000.00	
Total		\$234,555.00

FROM THE RECLAMATION REVOLVING FUND.

Land and water survey.

Land and Water Utilization Survey:		
Salaries and wages.....	\$35,220.00	
Operations	12,670.00	
Total		\$47,890.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Department
of Finance,
Budget and
Business.

General Office including Division of Public Institutions and Division of Purchasing:	
Salaries and wages.....	\$68,040.00
Operations	18,875.00
Division of Banking:	
Salaries and wages.....	6,600.00
Operations	250.00
Division of Budget, Accounts and Control:	
Salaries and wages.....	29,760.00
Operations	2,610.00
Division of Savings and Loan Asso- ciations:	
Salaries and wages.....	6,720.00
Operations	740.00
Capitol Buildings and Grounds:	
Salaries and wages.....	17,400.00
Operations	1,240.00
Parole, Transportation and Depor- tation:	
Salaries and wages.....	19,440.00
Operations	5,000.00
Total	<u> </u>

\$176,675.00

} Vetoed.

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department
of Game.

Salaries and wages.....	\$8,000.00
Operations	93,795.50
Total	<u> </u>

\$101,795.50

FOR THE DEPARTMENT OF GAME:

For the purpose of constructing a
fish hatchery on the Dungeness
River in Clallam County to
artificially propagate game fish

\$100,000.00

} Vetoed.

FROM THE GENERAL FUND.

FOR THE TAX COMMISSION OF THE
STATE OF WASHINGTON:

Tax Com-
mission.

Salaries and wages.....	\$63,980.00
Operations	10,970.00
Total	<u> </u>

\$74,950.00

Department of Finance, Budget and Business.

**FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:**

State School for the Blind:	
Operations	\$6,500.00
State School for the Deaf:	
Salaries, wages and operations...	\$26,110.00
Eastern State Custodial School:	
Salaries, wages and operations..	\$102,650.00
Eastern State Hospital:	
Salaries, wages and operations..	\$180,800.00
State School for Girls:	
Operations	\$13,100.00
Northern State Hospital:	
Salaries, wages and operations..	\$111,600.00
Washington State Penitentiary:	
Salaries, wages and operations..	\$77,700.00
Washington State Reformatory:	
Salaries, wages and operations..	\$80,935.00
State Soldiers' Home and Colony:	
Operations	\$27,400.00
State Training School:	
Operations	\$10,625.00
Washington Veterans' Home:	
Operations	\$24,800.00
Western State Custodial School:	
Operations	\$23,500.00
Western State Hospital:	
Salaries, wages and operations..	\$98,100.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

Vetoed.

FOR THE UNIVERSITY OF WASHINGTON:

Salaries, wages and operations....	\$364,130.00
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FROM THE WASHINGTON STATE COLLEGE FUND.

State College of Washington.

FOR THE STATE COLLEGE OF WASHINGTON:

Salaries and wages.....	\$724,034.00
Operations	113,466.40
Total	\$837,500.40

FROM THE ELLENSBURG NORMAL SCHOOL FUND.

Central Washington College.

**FOR THE CENTRAL WASHINGTON COLLEGE
OF EDUCATION:**

Salaries and wages.....	\$39,996.00
Operations	2,200.00
Total	\$42,196.00

FROM THE CHENEY NORMAL SCHOOL FUND.

FOR THE EASTERN WASHINGTON COLLEGE
OF EDUCATION:

Eastern
Washington
College.

Salaries and wages.....	\$77,053.20	
Operations	18,703.50	
Total		\$95,759.70

FROM THE BELLINGHAM NORMAL SCHOOL FUND.

FOR THE WESTERN WASHINGTON COLLEGE
OF EDUCATION:

Western
Washington
College.

Salaries and wages.....		\$47,740.00
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FOR CAPITAL OUTLAYS, MAJOR REPAIRS
AND MAINTENANCE:

To be expended independently of,
or in conjunction with funds al-
located by the Federal, County
or Municipal Governments or
Agencies or in conjunction with
funds allocated for unemploy-
ment relief: *Provided*, That
the following appropriations
shall become available only
upon written approval of the
Governor:

FROM THE GENERAL FUND.

FOR THE SECRETARY OF STATE:

Secretary
of State.

Filing equipment and installation..	\$8,760.00	
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FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

State Parks
Committee.

Capital outlays and major repairs..	86,650.00	
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Department
of Finance,
Budget and
Business.

Interior painting, alterations, re- wiring and power plant altera- tions	49,150.00	
Capital outlays, major repairs and betterments	74,400.00	

FROM THE FISHERIES FUND.

FOR THE DEPARTMENT OF FISHERIES:

Department
of Fisheries.

Capital outlays, major repairs and betterments	864,160.00	
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FROM THE GAME FUND.

Department of Game.	FOR THE DEPARTMENT OF GAME:	
	Capital outlays, major repairs and betterments	887,500.00

FROM THE GENERAL FUND.

Military Department.	FOR THE MILITARY DEPARTMENT:	
	Capital outlays, major repairs and betterments	71,000.00

Department of Finance, Budget and Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:	
	State School for the Blind: Capital outlays, major repairs and betterments	94,000.00
	State School for the Deaf: Capital outlays, major repairs and betterments	224,700.00
	Eastern State Custodial School: Capital outlays, major repairs and betterments	978,315.00
	Eastern State Hospital: Capital outlays, major repairs and betterments	784,950.00
	State School for Girls: Capital outlays, major repairs and betterments	74,800.00
	Northern State Hospital: Capital outlays, major repairs and betterments	1,307,250.00
	Washington State Penitentiary: Capital outlays, major repairs and betterments	917,000.00
	Washington State Reformatory: Capital outlays, major repairs and betterments	538,610.00
	State Soldiers' Home: Capital outlays, major repairs and betterments	180,500.00
	State Training School: Capital outlays, major repairs and betterments	524,335.00
	Washington Veterans' Home: Capital outlays, major repairs and betterments	1,001,500.00
	Western State Custodial School: Capital outlays, major repairs and betterments	1,459,600.00

Western State Hospital:		Department of Finance, Budget and Business.
Capital outlays, major repairs and betterments	1,969,600.00	
FROM THE PENITENTIARY REVOLVING FUND.		
Washington State Penitentiary:		
Industrial equipment	155,875.00	
FROM THE REFORMATORY REVOLVING FUND.		
Washington State Reformatory:		
Capital outlays, major repairs and betterments	16,750.00	
FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.		
FOR THE UNIVERSITY OF WASHINGTON:		University of Washington.
Construction of new buildings remodeling and equipment.....	950,000.00	
FROM THE GENERAL FUND.		
FOR THE UNIVERSITY OF WASHINGTON:		} Vetoed.
For capital outlays, major repairs and betterments:		
Construction of new music building	600,000.00	
FOR THE STATE COLLEGE OF WASHINGTON:		State College of Washington.
Capital outlays, major repairs and betterments	1,500,000.00	
FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		Central Washington College of Education.
Capital outlays, major repairs and betterments	781,516.00	
FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		Eastern Washington College of Education.
Capital outlays, major repairs and betterments	481,897.00	
FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		Western Washington College of Education.
Capital outlays, major repairs and betterments	527,093.86	
Total capital outlays and major repairs	—————	
		\$16,509,911.86

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 20, 1945, with the exception of certain items, which are vetoed.

CHAPTER 269.

[S. H. B. 550.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations for the purchase, condemnation and improvement of land, construction of buildings and improvements at designated state institutions; for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices; for the relief of certain individuals, corporations, counties and municipalities; for refunds and for deficiencies and for emergencies, 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, 1945, and ending March 31, 1947, except as otherwise provided; defining terms, limiting allowances and providing that this act shall take effect immediately.

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

Capital outlay.

SECTION 1. The words "capital outlay" whenever used in this act shall mean and include the purchase, condemnation 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.

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 housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the State Treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for 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, 1945, and ending March 31, 1947, except as otherwise provided.

FROM THE GENERAL FUND.

FOR THE OFFICE OF UNEMPLOYMENT		Office of Unemploy- ment Compensation.
COMPENSATION AND PLACEMENT:		
Disability Compensation Study:		
Salaries, wages and operations..		\$4,500.00
(To carry out the provisions of S. B. No. 183.)		
FOR THE BOARD OF PRISON TERMS AND PAROLES:		Board of Prison Terms and Paroles.
Salaries and wages.....	\$35,000.00	
Operations	4,500.00	
Total	<hr/>	
(To carry out the provisions of S. B. No. 508.)		
FOR THE DEPARTMENT OF LICENSES:		\$5,000.00
Salaries, wages and operations....		
(To carry out the provisions of H. B. No. 456, expenditures not to exceed fees heretofore or hereafter collected.)		} Vetoed.

Department of Finance, Budget and Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: STATE SOLDIERS' HOME AND COLONY: Purchase of land and improvements thereof (Provided, That this appropriation shall become available only upon written approval of the Governor.)	\$6,000.00
Labor and Industries.	FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: Safety Division: Salaries and wages..... Operations Total	\$33,600.00 12,300.00 <hr/> \$45,900.00
Ladies of the Grand Army.	FOR THE LADIES OF THE GRAND ARMY OF THE REPUBLIC HOME AT PUYALLUP, WASHINGTON (payable quarterly)	\$6,000.00
Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE: Portrait of the Honorable Arthur B. Langlie	\$650.00
Supreme Court.	FOR THE SUPREME COURT: Salaries and wages.....	\$27,937.99
Superior Court Judges.	FOR THE SUPERIOR COURT JUDGES: Salaries and wages.....	\$55,125.00
Judges' Retirement Fund.	FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of Chapter 229, Laws of 1937 as amended by Chapter 19, Laws of 1945: For withdrawals from General Fund based upon salaries of judges For withdrawals from General Fund in the event there shall be insufficient money in the Judges' Retirement Fund to meet retirement payments... Total	\$25,650.00 25,000.00 <hr/> \$50,650.00
Legislative expense.	FOR LEGISLATIVE EXPENSE.....	\$115,000.00
Central Washington College of Education.	FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION: For the purchase and improvement of land	\$1,600.00

FOR THE WASHINGTON STATE		
HISTORICAL SOCIETY:		Historical Society.
Salaries, wages and operations.....	\$2,500.00	} vetoed.
Capital outlays, major repairs and betterments	13,000.00	
Total	_____	\$15,500.00
FOR THE SECRETARY OF STATE:		Secretary of State.
Salaries, wages and operations....		\$138,051.01
(For the purpose of carrying out the provisions of Chapter 4, Laws of 1944, as amended.)		
To reimburse counties for expenditures made under the provisions of Chapter 4, Laws of 1944, as amended		\$36,000.00
FOR THE SECRETARY OF STATE:		
For the purpose of carrying out a survey of the cultural and recreational resources available to the people of various localities of the State of Washington:		
Salaries, wages and operations		\$80,000.00
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Superintendent of Public Instruction.
Deficiency, operations		\$5,000.00
FOR THE SUMAS-NOOKSACK SCHOOL DISTRICT:		Sumas-Nooksack School District.
For grant-in-aid for construction of school buildings and facilities:		
<i>Provided</i> , That this appropriation shall become available only upon written approval of the Governor.....		
		\$100,000.00
FOR THE MOUNT BAKER UNION HIGH SCHOOL DISTRICT:		Mount Baker Union School District.
For grant-in-aid for construction of school buildings and facilities:		
<i>Provided</i> , That this appropriation shall become available only upon written approval of the Governor.....		
		\$75,000.00
FOR THE UNIVERSITY OF WASHINGTON:		University of Washington.
For the purpose of completing preliminary engineering surveys and securing architects' plans for the construction of a music building.		
		\$16,000.00

Department of Conserva- tion and Development.	<p>FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:</p> <p>Division of Progress and Industry Development: (To carry out the provisions of S. B. No. 229.)</p> <p>Salaries, wages and operations.. \$384,032.90</p> <p>Research in connection with fur- thering development of indus- try and agriculture within the State of Washington: <i>Provided,</i> That expenditures from this appropriation shall be limited to amounts allocated by the Governor 100,000.00</p> <p>Total <u>484,032.90</u></p>	
Timber Resources Board.	<p>FOR THE STATE TIMBER RESOURCES BOARD:</p> <p>To carry out the provisions of S. B. No. 289:</p> <p>Salaries and wages..... \$181,800.00</p> <p>Operations 117,150.00</p> <p>Total <u>298,950.00</u></p>	
Commis- sioner of Public Lands.	<p>FOR THE COMMISSIONER OF PUBLIC LANDS:</p> <p>Salaries and wages..... \$177,976.00</p> <p>Operations 24,199.00</p> <p>Total <u>202,175.00</u></p>	
Department of Conserva- tion and Development.	<p>FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:</p> <p>Division of Forestry: To carry out the provisions of Substitute S. B. No. 158:</p> <p>Salaries and wages..... \$32,250.00</p> <p>Operations 32,925.00</p> <p>Total <u>65,175.00</u></p>	
Department of Agriculture.	<p>FOR THE DEPARTMENT OF AGRICULTURE:</p> <p>Emergency Farm Labor Program: Operations \$2,300.00</p>	
State Auditor.	<p>FOR THE STATE AUDITOR:</p> <p>Division of Departmental Audits: Salaries and wages..... \$5,000.00</p>	
	FROM THE MOTOR VEHICLE FUND.	
State Auditor.	<p>FOR THE STATE AUDITOR:</p> <p>Salaries and wages..... \$4,500.00</p>	

FROM THE MOTOR VEHICLE EXCISE FUND.

FOR DISTRIBUTION TO CITIES AND TOWNS AS PROVIDED BY CHAPTER 144, LAWS OF 1943, AS AMENDED....	\$100,000.00	Cities and towns.
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FROM THE GENERAL FUND.

FOR THE STATE TREASURER: Salaries and wages.....	\$2,700.00	} Vetoed.
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FROM THE MOTOR VEHICLE FUND.

FOR THE STATE TREASURER: Salaries and wages.....	\$3,600.00	} Vetoed.
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FROM THE FISHERIES FUND.

FOR THE STATE TREASURER: Salaries and wages.....	\$3,000.00	} Vetoed.
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FROM THE MOTOR VEHICLE EXCISE FUND.

FOR THE UNIVERSITY OF WASHINGTON: Bureau of Governmental Research: To carry out the provisions of H. B. No. 213.....	\$70,000.00	University of Washington.
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FROM THE ACCIDENT FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: To carry out the provisions of S. B. No. 206: <i>Provided</i> , That expen- ditures herefrom shall be made only upon written approval of the Governor: Salaries and wages..... \$530,000.00 Operations 100,000.00 Total <u> </u> \$630,000.00	} Vetoed.
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FROM THE TEACHERS' RETIREMENT FUND.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM: Salaries, wages and operations.... \$9,606.26 For the payment of annuities, awards, pensions and refunds as provided by law..... 1,591,610.40 Total <u> </u> \$1,601,216.66	} Vetoed.
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FROM THE STATE COLLEGE OF WASHINGTON FUND.

FOR THE STATE COLLEGE OF WASHINGTON:

Vetoed.

Salaries and wages.....	\$151,700.00	
Operations	48,300.00	
<i>Provided, That expenditures here-</i>		
<i>from shall be made only upon</i>		
<i>the written approval of the</i>		
<i>Governor.</i>		
Total		\$200,000.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Capitol
Committee.

FOR THE STATE CAPITOL COMMITTEE:

For the construction of a comfort station in Sylvester Park.....	\$6,000.00
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FROM THE MOTOR VEHICLE FUND.

Toll Bridge
Authority.

FOR THE WASHINGTON TOLL BRIDGE
AUTHORITY:

For the payment of all costs and expenses incidental to the making of surveys, preparation of plans, specifications and models, and the conducting of experimental work in connection with the redesign of the Tacoma Narrows Bridge, and for repayment to the Department of Highways of funds expended by said department for such costs and expenses.....	\$200,000.00
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FROM THE ACCIDENT FUND.

Department
of Labor and
Industries.

FOR THE DEPARTMENT OF LABOR AND
INDUSTRIES:

Appeal Costs:		
Salaries	\$8,400.00	
Operations	2,500.00	
Total		\$10,900.00

FROM THE MEDICAL AID FUND.

Department
of Labor and
Industries.

FOR THE DEPARTMENT OF LABOR AND
INDUSTRIES:

Appeal Costs:		
Salaries	\$8,400.00	
Operations	2,500.00	
Total		\$10,900.00

FROM THE GENERAL FUND.

FOR THE SOCIAL SECURITY COMMITTEE:		Social Security Committee.
Grants-in-aid to school districts, in accordance with the provisions of Chapter 223, Laws of 1941.....	\$1,500,000.00	
FOR THE STATE FINANCE COMMITTEE:		
War Emergency Purposes:		State Finance Committee.
<i>Provided</i> , That in the event of the termination of the war before March 31, 1947, any unexpended balance of this appropriation shall upon the happening of such event immediately revert to the General Fund....	\$2,085,252.39	
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by Chapter 233, Laws of 1943.)		
FOR THE STATE SOCIAL SECURITY COMMITTEE:		Social Security Committee.
Grants-in-aid	\$1,029,805.44	
(Being the reappropriation of the unexpended balance of allotments made from the appropriation for like purposes by Chapter 285, Laws of 1943.)		
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Portrait of the Honorable Clarence D. Martin	\$650.00	
(Being the reappropriation of the unexpended balance of appropriation made for like purpose by Chapter 285, Laws of 1943.)		
FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		School for Blind.
State School for the Blind:		
Extension and alteration of sewers	\$2,500.00	
(Being the reappropriation of unexpended balance of appropriation made for like purpose by Chapter 202, Laws of 1943.)		

Western Washington College of Education.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:

Heating plant and equipment..... \$77,866.21
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by Chapter 285, Laws of 1943.)

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

Deschutes Water Basin improvement \$231,573.15

Addition to Labor and Industries Building (formerly known as Highway Building) for X-ray storage 10,000.00

Total \$241,573.15

(Being the reappropriation of the unexpended balances of appropriations made for like purposes by Chapter 285, Laws of 1943.)

Vetoed.

FROM THE GAME FUND.

Department of Game.

FOR THE DEPARTMENT OF GAME:

Capital outlays and major repairs.. \$7,800.00
(Being the reappropriation of unexpended balances of allotments made from the appropriation for like purposes by Chapter 202, Laws of 1943.)

FROM THE REFORMATORY REVOLVING FUND.

State Reformatory.

WASHINGTON STATE REFORMATORY:

Capital outlays, major repairs and betterments \$5,738.11
(Being the reappropriation of unexpended balance of appropriation made for like purposes by Chapter 202, Laws of 1943.)

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON:

Construction of new buildings and equipment and remodeling..... \$225,000.00
(Being the reappropriation of the unexpended balance of allotment made from the appropriation for like purposes by Chapter 202, Laws of 1943.)

Vetoed.

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

To pay damages to cultivated agricultural and horticultural crops and property caused by elk and/or deer as covered by claims filed at the Twenty-ninth regular session of the Legislature: <i>Provided</i> , That disbursements herefrom shall be made only in such amounts as shall be approved by the State Game Commission and the Director of Game.....	\$60,000.00	Department of Game.
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FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:

ALASKA DISTRIBUTORS COMPANY, refund of Liquor Tax and Sales Tax on liquor deliveries to United States Naval Air Station.....	\$352.94	Alaska Distributors Co.
CHRISTINE ANDERSON, in full settlement for the death of her husband while employed in extra-hazardous employment	\$5,000.00	Christine Anderson.
BACKSTROM MOTOR COMPANY, automobile repairs furnished the Department of Agriculture in previous biennium.....	\$33.65	Backstrom Motor Co.
TOM C. BOSTIC, refund of Pharmacist's License Fee for the years 1943 and 1944.....	\$6.00	Tom C. Bostic.
HONORABLE ERNEST M. CARD, for travel expense incurred attending meeting of Superior Court Judges Association in 1942.....	\$32.20	Ernest M. Card.
COMPTOMETER COMPANY, for services furnished State Tax Commission in 1942.....	\$14.72	Comptometer Co.
MRS. GOLDIE E. DAVISON, refund of payment on contract for purchase of state land.....	\$40.00	Goldie E. Davison.
DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for supplies, services and refunds for various institutions furnished in previous biennium..	\$1,626.06	Finance, Budget and Business.
DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for supplies and services furnished during the previous biennium	\$71.87	
DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for supplies and services furnished during the previous biennium	\$2,170.00	
DEPARTMENT OF HEALTH, for supplies and services furnished the Department of Health in previous biennium	\$425.18	Department of Health.

Thurza Johnson.	THURZA JOHNSON, refund of penalty fee in issuance of Cosmetician's License.....	\$2.00
Labor and Industries.	DEPARTMENT OF LABOR AND INDUSTRIES, for Industrial Insurance and Medical Aid fees for the Department of Agriculture for March, 1943	\$12.30
John F. LeCocq.	JOHN F. LECOCQ, M. D., for services rendered the State Department of Health in previous biennium	\$50.00
A. E. Lewis.	A. E. LEWIS, M. D., for travel expense incurred as an employee of the State Defense Council in previous biennium	\$44.45
Paul Meydenbauer.	PAUL F. MEYDENBAUER, refund of over-payment of Inheritance Tax In re Estate of Sophia Bauer	\$267.75
Olympia Garage.	OLYMPIA GARAGE, for supplies and services furnished Insurance Commissioner in previous biennium	\$13.28
Overland Investment Co.	OVERLAND INVESTMENT COMPANY, for refund of Notary License Fee issued to Mabel Patterson	\$10.00
Pacific Tel. & Tel.	PACIFIC TELEPHONE AND TELEGRAPH COMPANY, for services furnished the Department of Labor and Industries in previous biennium..	\$18.35
J. E. Quigley.	J. E. QUIGLEY, for refund of Notary Public License Fee	\$10.00
Richfield Oil Co.	RICHFIELD OIL CORPORATION, for gasoline and oil furnished State Auditor in previous biennium	\$10.83
Empire Silver Co.	EMPIRE SILVER CORPORATION, refund of over-payment of corporation license fee.....	\$52.50
Pacific NW. Sash Assn.	PACIFIC NORTHWEST WHOLESALE SASH AND DOOR ASSOCIATION, refund of over-payment of corporation license fee.....	\$15.00
Washington Cannerns.	WASHINGTON CANNERS COOPERATIVE, refund of over-payment of corporation license fee.....	\$25.00
Tieton Water Users.	TIETON WATER USERS ASSOCIATION, for water assessments against state-owned land in Yakima County	\$2,598.10
Department of Social Security.	DEPARTMENT OF SOCIAL SECURITY, for sundry supplies and services furnished the Department of Social Security in previous biennium	\$10,506.77
	DEPARTMENT OF SOCIAL SECURITY, for the payment of claims filed against the Department of Social Security for salary adjustments under the minimum wage law.....	\$909.81
Spokane Toilet Supply.	SPOKANE TOILET SUPPLY COMPANY, for services rendered the Department of Labor and Industries in previous biennium.....	\$2.78

UNIVERSITY OF CALIFORNIA, for tuition fee for Margaret R. Allen for summer session of 1941	\$17.50	University of California.
WESTERN UNION TELEGRAPH COMPANY, for services rendered the Department of Labor and Industries in the previous biennium.....	.60	Western Union.
HONORABLE JOHN M. WILSON, for travel expenses as Superior Court Judge incurred in previous biennium	\$11.20	John M. Wilson.
DIX H. ROWLAND, reimbursement for payment for state printing for Uniform Law Commission made in previous biennium.....	\$22.17	Dix Rowland.
GEORGE W. MOODY, for damages to personal automobile incurred in collision with another car while traveling on official state business..	\$250.65	Geo. Moody.
FIRST NATIONAL INSURANCE COMPANY OF AMERICA, refund of over-payment of marine profits tax	\$67.98	First Nat. Ins. Co.
GENERAL INSURANCE COMPANY OF AMERICA, refund of over-payment of marine profits tax..	\$305.11	General Ins. Co.
THE YANGTZE INSURANCE ASSOCIATION, LTD., refund of over-payment of marine profits tax..	\$1,314.02	Yangtze Ins. Co.
UTAH HOME FIRE INSURANCE COMPANY, refund of over-payment of marine profits tax.....	\$17.94	Utah Home Ins. Co.

FROM THE CANNERY REVOLVING FUND.

DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for supplies and services furnished during the previous biennium	\$109.06	Finance, Budget and Business.
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FROM THE PENITENTIARY REVOLVING FUND.

DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for supplies and services furnished in the previous biennium	\$135.37	
RAYMOND H. HOSS, in full settlement of injuries received while working as an inmate at Washington State Penitentiary, March 3, 1939	\$2,838.75	Raymond H. Hoss.
WOTTEN AND LITTLE, refund of overcharge on 500 cords of wood sold by the State of Washington	\$250.00	Wotten & Little.

FROM THE MOTOR VEHICLE FUND.

L. A. BLUMBERG, in full settlement for damages to automobile sustained while crossing the Wishkah River Bridge in Aberdeen, September 18, 1943.....	\$237.00	L. A. Blumberg.
E. J. CRAIG, for damages on account of error by the Department of Licenses in issuing title to automobile	\$72.40	E. J. Craig.

Crystal Laundry.	CRYSTAL LAUNDRY AND SUPPLY COMPANY, for towel service furnished the Washington State Patrol in 1942.....	\$3.00
Jake Kruzer.	JAKE KRUZER, refund on account of over-payment of truck license fees.....	\$125.25
N. P. Ry. Co.	NORTHERN PACIFIC RAILWAY COMPANY, reimbursement of payment to Frank Drewniak for accidental killing of livestock near Wallville on June 4, 1943.....	\$50.00
Jessie and R. D. Steinke.	JESSIE and R. D. STEINKE, in full settlement for personal injuries and property loss suffered in an accident on the Snohomish River Bridge, north of Everett, on November 11, 1944	\$608.75
Marjorie and Geo. Sly.	MARJORIE M. and GEORGE H. SLY, in full settlement for personal injuries and property loss suffered in an accident on the Snohomish River Bridge, north of Everett, on November 11, 1944	\$172.77
United Air Lines.	UNITED AIR LINES, refund on account of over-payment of Motor Fuel Tax.....	\$1,633.85
United Truck Lines.	UNITED TRUCK LINES, INC., refund on account of over-payment of Motor Fuel Tax on 8419 gallons of gasoline.....	\$420.95
Otto Wagner.	OTTO H. WAGNER, refund on account of over-payment of truck license fees.....	\$372.00
E. Wagner.	E. WAGNER AND SON, INC., refund on account of over-payment of truck license fees.....	\$310.00
Watson-Hall.	WATSON-HALL COMPANY, refund on account of over-payment of truck license fees.....	\$141.00

FROM THE ACCIDENT FUND.

Clerk King Co.	CLERK OF KING COUNTY, filing fees for Department of Labor and Industries incurred in previous biennium	\$343.50
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FROM THE MEDICAL AID FUND.

Clerk King Co.	CLERK OF KING COUNTY, filing fees for Department of Labor and Industries incurred in previous biennium	\$343.50
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FROM THE FISHERIES FUND.

Warren Grainger.	WARREN C. GRAINGER, refund of over-payment of reef net gear license fee for 1943.....	\$10.00
Louise Kraash.	MRS. LOUISE KRAASH, refund of over-payment of crab fishing license fee.....	\$48.36

PUGET SOUND POWER AND LIGHT COMPANY, for sundry supplies and services furnished the partment of Fisheries in previous biennium..	\$62.77	P. S. P. & L.
FOSTER AUTO SUPPLY COMPANY, for sundry supplies and services furnished the Department of Fisheries in previous biennium.....	\$46.36	Foster Auto Supply.

FROM THE GAME FUND.

I. A. and GERTRUDE DUBOIS, in full settlement for damages on account of refusal of Director of Game to issue a game farm license.....	\$4,700.00	I. A. Dubois.
DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: Division of Purchasing: For gasoline and oil furnished the Department of Game in previous biennium....	\$20.99	Finance, Budget and Business.
DEPARTMENT OF GAME, for sundry supplies and services furnished the Department of Game in previous biennium.....	\$376.84	Department of Game.

FROM THE MOTOR VEHICLE EXCISE FUND.

R. M. MYHAN, refund of motor vehicle excise tax	\$1.00	R. M. Myhan.
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FROM THE PUBLIC SERVICE REVOLVING FUND.

LANDRY GARAGE, for supplies and services furnished the Department of Public Service in previous biennium	\$85.03	Landry Garage.
WASHINGTON MOTOR COACH COMPANY, for supplies and services furnished the Department of Public Service in previous biennium.....	\$5.45	Washington Motor Coach.
NEAH BAY DOCK COMPANY, for supplies and services furnished the Department of Public Service in previous biennium.....	\$32.58	Neah Bay Dock Company.

FROM THE HIGHWAY SAFETY FUND.

WASHINGTON STATE PATROL, for sundry supplies and services furnished the Washington State Patrol during the previous biennium.....	\$352.12	Washington State Patrol.
PACIFIC TELEPHONE AND TELEGRAPH COMPANY, for services furnished the Washington State Patrol during the previous biennium.....	\$15.40	P. T. & T.

FROM THE HIGHWAY EQUIPMENT FUND.

DEPARTMENT OF FINANCE BUDGET AND BUSINESS: Division of Purchasing, for supplies and services furnished the Department of Highways in previous biennium.....	\$1.42	Finance, Budget and Business.
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Washington Motor Coach.	WASHINGTON MOTOR COACH COMPANY, for supplies and services furnished the Department of Highways in previous biennium.....	\$2.00
Railway Express Co.	RAILWAY EXPRESS AGENCY, for supplies and services furnished the Department of Highways in previous biennium.....	.83

FROM THE GENERAL FUND.

FOR JUDGMENTS:

George Chemeres.	GEORGE CHERERES (State of Washington vs. George Chemeres, King County No. 22073, Supreme Court No. 29266).....	\$221.75
R. W. Clif- ford.	RAYMOND W. and MARGARET R. CLIFFORD (Raymond W. Clifford and Margaret R. Clifford vs. State of Washington, Thurston County No. 19642)	\$10,000.00
Chas. H. Johnson.	CHARLES H. JOHNSON (State of Washington vs. Charles H. Johnson, King County No. 21506, Supreme Court No. 29235).....	\$253.54
Inland Bond- ing Co.	INLAND BONDING COMPANY, assignee, (State of Washington vs. E. R. Lindsey and Elbert B. Lindsey, Spokane County No. 11046, Supreme Court No. 26004).....	\$115.50
A. G. Kelly.	A. G. KELLY (A. G. Kelly vs. State of Washington and State Land Commissioner, Thurston County No. 19898).....	\$103.86
Arnold Levy.	ARNOLD LEVY (State of Washington vs. Arnold Levy, Snohomish County No. 249, Supreme Court No. 28086).....	\$1,622.40
Vetoed.	NORTHWEST SAVINGS AND LOAN ASSOCIATION (Northwest Savings and Loan Association vs. David Lockwood, Director of Finance, Budget and Business of the State of Washington, et al., Thurston County No. 20976).....	\$22.00
R. C. Ramser.	ROBERT C. RAMSER (State of Washington Robert C. Ramser, Stevens County No. 17766, Supreme Court No. 28818).....	\$387.57
V. Rodrigues.	VICTOR RODRIGUES (State of Washington vs. Victor Rodrigues, King County No. 188430, Supreme Court No. 22243).....	\$359.79
R. L. Shef- field.	ROY L. SHEFFIELD (State of Washington vs. Roy L. Sheffield, King County No. 22204, Supreme Court No. 29204).....	\$216.30

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.

FOR THE TREASURER OF THE CITY OF BELLINGHAM:		City of Bellingham.
Local Improvement District No. 967		\$723.87
FOR THE TREASURER OF THE CITY OF SPOKANE:		City of Spokane.
Local Improvement District No. 2317	\$47.42	
Local Improvement District No. 2492	69.53	
Total	<hr/>	\$116.95
FOR THE TREASURER OF BENTON COUNTY:		Benton County.
Roza Irrigation District.....	\$57.87	
Sunnyside Irrigation District.....	2,141.85	
Total	<hr/>	\$2,199.72
FOR THE TREASURER OF KITTITAS COUNTY:		Kittitas County.
Kittitas Reclamation District.....		\$1,147.75
FOR THE TREASURER OF KLINKITAT COUNTY:		Klickitat County.
White Salmon Irrigation District...		\$110.00
FOR THE TREASURER OF OKANOGAN COUNTY:		Okanogan County.
Whitestone Reclamation District...		\$1,068.00
FOR THE TREASURER OF YAKIMA COUNTY:		Yakima County.
Roza Irrigation District.....		\$138.35
FOR THE TREASURER OF ADAMS COUNTY:		Adams County.
East Columbia Basin Irrigation Dis- trict		\$258.95

Franklin County.	FOR THE TREASURER OF FRANKLIN COUNTY: South Columbia Basin Irrigation District	\$433.97
Grant County.	FOR THE TREASURER OF GRANT COUNTY: East Columbia Basin Irrigation District \$209.72 Quincy-Columbia Basin Irrigation District 461.15 South Columbia Basin Irrigation District 102.33 Total <u> </u>	\$773.20
Clark County.	FOR THE TREASURER OF CLARK COUNTY: Drainage District No. 5.....	\$98.60
Cowlitz County.	FOR THE TREASURER OF COWLITZ COUNTY: Diking District No. 15.....	\$523.44
Grays Harbor County.	FOR THE TREASURER OF GRAYS HARBOR COUNTY: Drainage District No. 1..... \$2.75 Drainage District No. 4..... 1,029.88 Total <u> </u>	\$1,032.63
Pend Oreille County.	FOR THE TREASURER OF PEND OREILLE COUNTY: Diking District No. 2.....	\$15.63
Skagit County.	FOR THE TREASURER OF SKAGIT COUNTY: Skagit County Diking District No. 5 \$3.88 Skagit County Diking District No. 15 39.78 Skagit County Diking District No. 14 94.57 Skagit County Drainage District No. 15 11.54 Total <u> </u>	\$149.77
Wahkiakum County.	FOR THE TREASURER OF WAHKIAKUM COUNTY: Wahkiakum County Diking Dis- trict No. 1.....	\$935.22

FOR THE TREASURER OF YAKIMA COUNTY:		Yakima County.
Donahue Road District Assessments, SW¼ NE¼, Sec. 16, Twp. 14, Rge. 17, E. W. M.....		\$3.77
FOR THE TREASURER OF THURSTON COUNTY:		Thurston County.
General Taxes, including interest, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, Block 2, vacated alley and adjoining portion of vacated East 20 feet of Water Street, City of Olympia...		\$1,141.75
FOR THE TREASURER OF COWLITZ COUNTY:		Cowlitz County.
General Taxes, including interest on NW¼, Sec. 28, Twp. 7, Rge. 4, E. W. M.....		\$10.76
FROM THE PARKS AND PARKWAY FUND.		
FOR THE TREASURER OF CHELAN COUNTY:		Chelan County.
General Taxes, including interest on Lots 1 and parts of Lots 2 and 3 and part of SW¼ SW¼ of Sec. 3, and Lot 5 and part of Lot 6 and part of SE¼ SE¼, Sec. 4, Twp. 27 N., Rge. 21, E. W. M.....		\$100.72
FROM THE GENERAL FUND.		
FOR THE TREASURER OF COWLITZ COUNTY:		Cowlitz County.
Local Improvement Assessments against state-owned land in Sewer District No. 16.....		\$28.40
FOR TRANSFERS:		
To State Teachers' Retirement Pension Reserve Fund.....	\$2,900,000.00	} Vetoed.
To Electrical License Fund.....	25,000.00	
(Transfers to be made from time to time and in such amounts as the Governor shall determine.)		
Total transfers	\$2,925,000.00	
DEFICIENCY, 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		\$284.04

Effective im-
mediately.

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 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 20, 1945, with the exception of certain items, which are vetoed.

CHAPTER 270.

[S. B. 315.]

GENERAL APPROPRIATIONS

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase, condemnation and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for 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, 1945, and ending March 31, 1947, 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 several funds in the State Treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for 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, 1945, and ending March 31, 1947, except as otherwise provided.

SEC. 2. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation or improvement of land and erection of buildings, including necessary salaries and wages incident thereto. Capital outlay.

The words "salaries and wages," whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state. Salaries and wages.

The word "operations," whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery. Operations.

FROM THE GENERAL FUND.

FOR THE GOVERNOR:

Salaries, wages and operations....	\$78,000.00	Governor
Investigation and emergency purposes, to be distributed on vouchers approved by the Governor...	18,000.00	
Extradition expenses (including deficiencies)	16,000.00	
Auditing records of the State Auditor	5,000.00	
Total	—————	\$117,000.00

Governor's Mansion.	FOR THE GOVERNOR'S MANSION:		
	Maintenance, to be distributed on vouchers approved by the Governor	\$24,000.00	
	Deficiency, maintenance, to be distributed on vouchers approved by the Governor, for the period January 11, 1945, to March 31, 1945	1,346.78	
	Total	<hr/>	\$25,346.78
Lieutenant Governor.	FOR THE LIEUTENANT GOVERNOR:		
	Salary of the Lieutenant Governor	\$2,400.00	
	Other salaries, wages and operations	7,200.00	
	Total	<hr/>	\$9,600.00
Secretary of State.	FOR THE SECRETARY OF STATE:		
	Salaries and wages.....	\$86,724.00	
	Operations	29,484.79	
	Checking, Printing, Advertising and Mailing Initiative and Referendum Measures and Constitutional Amendments: <i>Provided</i> , That no portion of this appropriation shall be expended for salaries of regular employees or office expense of the Secretary of State.....	60,000.00	
	Bureau of Statistics and Immigration:		
	Salaries, wages and operations..	26,172.00	
	Total	<hr/>	\$202,380.79
State Treasurer.	FOR THE STATE TREASURER:		
	Salaries and wages.....	\$101,268.00	
	Operations	33,588.90	
	Total	<hr/>	\$134,856.90
	FROM THE MOTOR VEHICLE FUND.		
	Salaries and wages.....	\$29,430.00	
	Operations	11,680.20	
	Total	<hr/>	\$41,110.20
	FROM THE FISHERIES FUND.		
	Salaries and wages.....	\$25,596.00	
	Operations	9,315.00	
	Total	<hr/>	\$34,911.00
	FROM THE GENERAL FUND.		
State Auditor.	FOR THE STATE AUDITOR:		
	Salaries and wages.....	\$88,488.00	
	Operations	13,455.00	
	Special printing	3,600.00	
	Total	<hr/>	\$105,543.00

FROM THE MOTOR VEHICLE FUND.

Salaries and wages.....	\$35,800.00		State Auditor.
Operations	7,200.00		
Total	—————	\$43,000.00	

FROM THE GENERAL FUND.

Departmental Audits:		
Salaries and wages.....	\$162,113.20	
Operations	38,308.50	
Division of Municipal Corporations:		
Salaries and wages.....	60,112.80	
Operations	14,017.50	
Total	—————	\$274,552.00

FOR THE ATTORNEY GENERAL:

Salaries and wages.....	\$349,965.20		Attorney General.
Operations, printing briefs, court costs, and expenses of litigation in Federal Courts.....	60,500.00		
Total	—————	\$410,465.20	

FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

Salaries and wages.....	\$178,137.00		Superintendent of Public Instruction.
Operations	80,370.00		
Division for Handicapped Children:			
Salaries and wages.....	11,232.00		
Operations	3,298.50		
Educational aid for handicapped children	18,000.00		
School District Organization:			
Salaries and wages.....	33,831.00		
Operations	14,994.00		
Total	—————	\$339,862.50	

FROM THE GENERAL FUND.

FOR THE COMMISSIONER OF PUBLIC

LANDS:

Salaries and wages.....	\$253,512.00	} Vetoed.
Operations	76,319.10	
Total	—————	
		\$329,831.10

FOR THE INSURANCE COMMISSIONER:

Salaries and wages.....	\$230,076.00	Insurance Commissioner.
Operations	90,518.47	
Total	—————	\$320,594.47

Legislative expense.	FOR LEGISLATIVE EXPENSE: Printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public docu- ments of the twenty-ninth session		\$15,000.00
Supreme Court.	FOR THE SUPREME COURT: Salaries and wages.....	\$251,441.87	
	Operations	17,916.30	
	Painting and alterations.....	9,000.00	
	Total	<u> </u>	\$278,358.17
Law Library.	FOR THE STATE LAW LIBRARY: Salaries and wages.....	\$24,840.00	
	Operations	18,289.80	
	Capital outlays, major repairs and equipment	12,600.00	
	Total	<u> </u>	\$55,729.80
Vetoed.	FOR THE CODE REVISION AND RECOM- PILATION COMMITTEE: Salaries, wages and operations....		\$36,000.00
Judicial Council.	FOR THE JUDICIAL COUNCIL: Salaries, wages and operations....		\$4,500.00
Law Com- mission.	FOR THE UNIFORM LAW COMMISSION: Operations		\$684.00
Superior Court judges.	FOR THE SUPERIOR COURT JUDGES: Salaries and wages.....	\$306,000.00	
	Expenses, Judges in Joint Districts	6,750.00	
	Total	<u> </u>	\$312,750.00
Association of Superior Court judges.	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES: Operations		\$2,250.00
Judges Re- tirement Fund.	FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of Chapter 229, Laws of 1937 (including de- ficiency)		\$18,731.25
Athletic Commission.	FOR THE STATE ATHLETIC COMMISSION: Salaries and wages.....	\$3,600.00	
	Operations	2,479.50	
	Total	<u> </u>	\$6,079.50
Vetoed.	FOR THE BOARD OF STATE LAND COMMISSIONERS: Salaries and wages.....	\$49,680.00	
	Operations	22,527.00	
	Total	<u> </u>	\$72,207.00

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FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:

Librarians.

Salaries, wages and operations.... \$414.00

FOR THE STATE LIBRARY COMMISSION:

Library Commission.

Salaries and wages..... \$55,890.00

Operations 26,298.00

Total \$82,188.00

FROM THE CURRENT SCHOOL FUND.

FOR THE STATE BOARD OF EDUCATION:

State Board of Education.

Salaries and wages..... \$19,476.00

Operations 7,200.00

Remedial Specialists in State Colleges of Education:

Salaries and wages..... 20,520.00

Operations 2,700.00

In-service Training for Teachers:

Operations 16,200.00

Total \$66,096.00

FROM THE GENERAL FUND.

Junior College Supervision:

Salaries and wages..... \$13,392.00

Operations 2,700.00

To be expended in accordance with the provisions of Chapter 154, Laws of 1935, providing assistance for blind students.. 900.00

Total \$16,992.00

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

Board of Vocational Education.

Salaries and wages..... \$94,840.00

Operations 47,066.64

To secure Federal Vocational Rehabilitation Fund 89,712.24

Total \$231,618.88

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and February 5, 1929, and Acts amendatory or supplementary thereto, providing for the promotion and development of vocational education \$573,277.47

Board of Vocational Education.

To be expended in accordance with the provisions of Act of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation \$220,056.24

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.. 6,555,000.00

Total \$7,348,333.71

FROM THE GENERAL FUND.

Defense Council.

FOR THE STATE DEFENSE COUNCIL:

Salaries, Wages and Operations.... \$18,846.00

Board of Pharmacy.

FOR THE STATE BOARD OF PHARMACY:

Salaries and wages..... \$10,953.00

Operations 10,080.00

Total \$21,033.00

FROM THE PUGET SOUND PILOTAGE FUND.

Pilotage Commission.

FOR THE STATE BOARD OF PILOTAGE

COMMISSIONERS:

Salaries and wages \$4,320.00

Operations 1,575.00

Total \$5,895.00

FROM THE GENERAL FUND.

Prison Terms and Paroles.

FOR THE BOARD OF PRISON, TERMS AND PAROLES:

Salaries and wages..... \$146,484.00

Operations 38,601.00

Total \$185,085.00

Vetoed.

FOR THE STATE CAPITOL COMMITTEE:

Salaries and wages..... \$29,160.00

Operations 10,867.50

Total \$40,027.50

Finance Committee.

FOR THE STATE FINANCE COMMITTEE:

Salaries, wages and operations.... \$14,621.40

FOR THE STATE FOREST BOARD:

Salaries and wages.....	\$30,276.00	} Vetoed.
Operations	12,600.00	
Total	<u>42,876.00</u>	

FOR THE WASHINGTON HORSE RACING COMMISSION:

Horse Racing Commission.

Salaries, wages and operations.....	\$15,147.00
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FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

Parks Committee.

Salaries, wages and operations....	\$270,431.78
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FROM THE MILLERSYLVANIA PARK CURRENT FUND.

Improvement, maintenance and up-keep of Millersylvania Park.....	\$360.00
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FROM THE GENERAL FUND.

To be expended for the development of park, recreational and resort facilities: <i>Provided</i> , That expenditures herefrom shall be made only upon written approval of the Governor	\$675,000.00
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FROM THE TEACHERS' RETIREMENT FUND.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:

Board of Teachers Retirement System.

Salaries and wages.....	\$70,308.00
Operations	16,148.38
For the Payment of Annuities, Awards, Pensions and Refunds as provided by law.....	3,505,853.60
Total	<u>3,592,309.98</u>

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF AGRICULTURE:

Department of Agriculture.

Salaries and wages.....	\$196,490.70
Operations	97,024.50
Farm Production Reports:	
Salaries, wages and operations...	13,500.00
Daily marketing releases.....	9,000.00
Emergency Farm Labor Program:	
Salaries and wages.....	11,700.00
Operations	2,700.00
Noxious Weed Control:	
Salaries and wages.....	9,720.00
Operations	4,680.00

Plant Introduction and Quarantine
Station:

Salaries and wages.....	\$15,120.00	
Operations	14,580.00	
Destruction of Predatory Animals:		
Salaries, wages and operations...	54,000.00	
Washington State Fair:		
Salaries, wages and operations..	18,661.50	
For conducting poultry exhibit....	4,500.00	
Total		\$451,676.70

FROM THE FEED AND FERTILIZER FUND.

Department
of Agri-
culture.

Salaries, wages and operations (ex- penditures not to exceed fees heretofore or hereafter collected)		\$27,094.50
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FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and wages.....	\$289,849.50	
Operations	35,235.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected)		
Total		\$325,084.50

FROM THE COMMISSION MERCHANTS' FUND.

Salaries, wages and operations (ex- penditures not to exceed fees heretofore or hereafter collected)		\$68,026.50
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FROM THE NURSERY INSPECTION FUND.

Salaries, wages and operations (ex- penditures not to exceed fees heretofore or hereafter collected)		\$34,704.00
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FROM THE SEED FUND.

Salaries and wages.....	\$21,195.00	
Operations	11,124.00	
Total		\$32,319.00

FROM THE GENERAL FUND.

Department
of Conser-
vation and
Development.

FOR THE DEPARTMENT OF CONSERVATION
AND DEVELOPMENT:

Salaries and wages.....	\$116,892.00	
Operations	41,805.00	
Columbia Basin Commission:		
Salaries and wages.....	43,227.00	
Operations	28,773.00	
Division of Forestry:		
Salaries and wages.....	382,803.75	
Operations	103,500.00	

Stream Gaging:		
Operations	\$24,300.00	
Flood Control:		
To be expended in accordance with the provisions of Chapter 204, Laws of 1941.....	90,000.00	
Total	<u> </u>	\$831,300.75

FROM THE GAME FUND.

Stream Gaging:		
Operations		\$5,400.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:			Department of Conserva- tion and De- velopment.
Salaries and wages.....	\$11,565.00		
Operations	5,130.00		
Columbia Basin Activities:			
Salaries and wages.....	10,494.00		
Operations	7,290.00		
Natural Resources Surveys:			
Salaries, wages and operations..	54,000.00		
To finance, refinance and purchase bonds of irrigation, diking and drainage districts as provided by law	450,000.00		
(Expenditures from Reclamation Revolving Fund not to exceed cash on hand and available for expenditure.)			
Total	<u> </u>	\$538,479.00	

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:			Department of Finance, Budget and Business.
General Office including Division of Public Institutions and Divi- sion of Purchasing:			
Salaries and wages.....	\$208,656.00		
Operations	34,879.50		
Division of Banking:			
Salaries and wages.....	55,566.00		
Operations	16,551.00		
Division of Budget, Accounts and Control:			
Salaries and wages.....	159,741.00		
Operations	15,898.50		
Division of Savings and Loan As- sociations:			
Salaries and wages.....	34,749.00		
Operations	12,924.00		

Capitol Buildings and Grounds:		
Salaries and wages.....	\$329,967.00	
Operations	188,941.50	
Parole, Transportation and Depor- tation:		
Salaries and wages.....	52,347.60	
Operations	68,872.50	
Total	_____	\$1,179,093.60

FROM THE CANNERY REVOLVING FUND.

Food Processing Plants:		
Salaries, wages and operations..		\$174,015.00

FROM THE FISHERIES FUND.

Department
of Fisheries.

FOR THE DEPARTMENT OF FISHERIES:

Salaries and wages.....	\$376,990.20	
Operations	213,004.80	
Biological Research:		
Salaries, wages and operations..	171,315.00	
Technological Studies:		
Salaries, wages and operations..	10,260.00	
Total	_____	\$771,570.00

FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and wages.....	\$19,569.60	
Operations	9,566.10	
Total	_____	\$29,135.70

FROM THE GAME FUND.

Department
of Game.

FOR THE DEPARTMENT OF GAME:

Salaries and wages.....	\$895,473.00		
Operations	603,089.64		
Biological research	45,000.00		
Prevention and relief of deer and elk damages:			
To carry out the provisions of Chapter 237, Laws of 1943.....	67,500.00		
Bounties on Predatory Animals (Including Deficiencies. Expen- ditures not to exceed receipts from sale of big game seals)....			5,000.00
Wild Life Restoration and Re- search, including the purchase, condemnation or Leasing of Lands (Expenditures to be lim- ited to approved projects upon which reimbursement of 75% will be made by the Federal Govern- ment)			90,000.00
Total	_____	\$1,706,062.64	

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:

Department
of Health.

Salaries and wages.....	\$564,061.50	
Operations	110,229.60	
Rodent Control:		} Vetoed.
Salaries, wages and operations..	30,960.00	
For Rapid Treatment Center for Venereal Diseases:		
Salaries, wages and operations..	76,240.00	
For Rapid Treatment Center for Venereal Diseases:		
Salaries, wages and operations (Expenditures not to exceed amounts received and credited to General Fund from the Federal Government for Venereal Disease Treatment).....	143,868.00	
For Crippled Children's Programs:		
Salaries and wages.....	63,072.00	
Operations and assistance.....	171,180.00	
For Public Health Work (Expendi- tures not to exceed amounts re- ceived and credited to General Fund from the Federal Govern- ment for Public Health Work)..	995,283.00	
For county public health work....	264,226.50	
Total	<u> </u>	\$2,419,120.60

FOR THE DEPARTMENT OF LABOR AND
INDUSTRIES:

Salaries and wages.....	\$797,940.00	
Operations	226,967.85	
Total	<u> </u>	\$1,024,907.85

FROM THE MEDICAL AID FUND.

Salaries and wages.....	\$563,922.00	Department of Labor and Industries.
Operations	133,921.80	
Appeal Costs:		
Salaries and wages.....	30,132.00	
Operations	42,039.00	
Claims and awards (including defi- ciencies)	5,000,000.00	
Total	<u> </u>	\$5,770,014.80

FROM THE ACCIDENT FUND.

Appeal Costs:	
Salaries and wages.....	\$30,132.00
Operations	42,039.00

Claims and awards (including deficiencies)	\$20,000,000.00	
Total		\$20,072,171.00

FROM THE ELECTRICAL LICENSE FUND.

Department of Labor and Industries.

Salaries and wages.....	\$43,740.00	
Operations	8,599.50	
Total		\$52,339.50

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF LICENSES:

Salaries and wages.....	\$112,500.00	
Operations	58,500.00	
Total		\$171,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries, wages and operations....	\$733,500.00	
Liquid fuel tax refunds.....	3,000,000.00	
Total		\$3,733,500.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and wages.....	\$135,900.00	
Operations	45,000.00	
Total		\$180,900.00

FROM THE GENERAL FUND.

FOR THE MILITARY DEPARTMENT:

Salaries and wages.....	\$210,744.00	
Operations	179,059.50	
Total		\$389,803.50

FROM THE PUBLIC UTILITIES REVOLVING FUND.

Department of Public Utilities.

FOR THE DEPARTMENT OF PUBLIC UTILITIES:

General Office and Special Investigations:

Salaries and wages.....	\$347,796.00	
Operations	132,260.00	

(Expenditures not to exceed fees heretofore or hereafter collected, but in no event shall any warrant be drawn on the Public Utilities Revolving Fund in excess of actual cash on deposit in the State Treasury.)

Total		\$480,056.00
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FROM THE TRANSPORTATION REVOLVING FUND.

FOR THE DEPARTMENT OF TRANSPORTATION:

Department of Transportation.

General Office and Special Investigations:

Salaries and wages \$508,336.00
 Operations 214,895.00

(Expenditures not to exceed fees heretofore or hereafter collected, but in no event shall any warrant be drawn on the Transportation Revolving Fund in excess of actual cash on deposit in the State Treasury.)

Total \$723,231.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF SOCIAL SECURITY:

Department of Social Security.

General Supervision:

Salaries and wages..... \$726,611.40
 Operations 104,557.68

Administration:

Salaries and wages..... 2,535,924.60
 Operations 299,981.25

Division of Old Age Assistance:

Assistance as provided by law.. 73,234,300.00
 Medical Care and Appliances for Senior Citizens and Blind Persons 8,164,850.00

Division of Public Assistance:

Assistance as provided by law.. 12,135,600.00

Division for Children:

Assistance as provided by law... 9,528,584.00

Division for the Blind:

Assistance as provided by law... 1,092,240.00

Total \$107,822,648.93

FROM THE HIGHWAY SAFETY FUND.

FOR THE WASHINGTON STATE PATROL:

Washington State Patrol.

Salaries and wages..... \$1,415,061.00
 Operations 667,150.20

Vehicle Safety Inspection:

Salaries and wages..... 177,930.00
 Operations 48,046.50

Commercial Motor Vehicle Safety

Division:

Salaries, wages and operations.. 59,175.00

Total \$2,367,362.70

FROM THE MOTOR VEHICLE FUND.

Weight Control:

Salaries, wages and operations.. \$305,019.00

FROM THE GENERAL FUND.

Tax Commission.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

Salaries and wages..... \$850,806.00
 Operations 207,693.00
 Purchase of Tax Tokens and Cigarette Stamps 108,000.00
 Refunds of Taxes, Costs, Penalties, Interest and Redemption of Tokens as provided by Chapter 191, Laws of 1933, and Chapter 180, Laws of 1935, and all laws amendatory thereto 225,000.00
 Total \$1,391,499.00

Department of Unemployment Compensation.

FOR THE OFFICE OF UNEMPLOYMENT COMPENSATION AND PLACEMENT:

Operations \$4,500.00
 To create a Revolving Fund to be used as a Working Fund by the Personnel Board, as authorized by Chapter 253, Laws of 1941..... 9,000.00
 Total \$13,500.00

Department of Finance, Budget and Business.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

STATE SCHOOL FOR THE BLIND:
 Salaries, wages and operations.. \$190,238.40
 STATE SCHOOL FOR THE DEAF:
 Salaries, Wages and Operations. \$220,617.90
 EASTERN STATE CUSTODIAL SCHOOL:
 Salaries, wages and operations.. \$1,016,778.60
 EASTERN STATE HOSPITAL:
 Salaries, wages and operations.. \$1,411,192.80
 STATE SCHOOL FOR GIRLS:
 Salaries, wages and operations.. \$156,726.90
 MCKAY MEMORIAL RESEARCH HOSPITAL:
 Salaries, wages and operations.. \$62,949.60
 NORTHERN STATE HOSPITAL:
 Salaries, wages and operations.. \$1,471,939.20
 WASHINGTON STATE PENITENTIARY:
 Salaries, wages and operations.. \$1,155,770.10

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:

Salaries, wages and operations.. \$737,705.70

FROM THE GENERAL FUND.

WASHINGTON STATE REFORMATORY:		Department of Finance, Budget and Business.
Salaries, wages and operations..	\$621,771.30	

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:	
Salaries, wages and operations..	\$164,537.10

FROM THE GENERAL FUND.

STATE SOLDIERS' HOME AND COLONY:	
Salaries, wages and operations..	\$277,842.60
STATE TRAINING SCHOOL:	
Salaries, wages and operations..	\$345,056.40
WASHINGTON VERERANS' HOME:	
Salaries, wages and operations..	\$473,977.80
WESTERN STATE CUSTODIAL SCHOOL:	
Salaries, wages and operations..	\$749,916.90
WESTERN STATE HOSPITAL:	
Salaries, wages and operations..	\$2,146,980.60

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:		University of Washington.
Salaries and wages.....	\$5,999,055.41	
Operations	938,214.66	
For the purpose of instituting a School of Practical Prospecting..	18,000.00	
Total	\$6,955,270.07	

FROM THE GENERAL FUND.

Arboretum:	
Salaries, wages and operations...	\$75,930.00

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASHINGTON:		Washington State College.
Salaries and wages.....	\$2,173,942.94	
Operations	692,903.57	
Total	\$2,866,846.51	
For Agricultural Experiment Stations:		
Salaries, wages and operations..	\$873,843.00	
<i>Provided, That expenditures herefrom be allocated as follows:</i>		
Main Experiment Station, Pullman and Walla Walla.....	\$264,290.94	
Western Washington Experiment Station, Puyallup.....	306,095.36	
Irrigation Branch Station, Prosser	95,288.70	
Tree Fruit Branch Station, Wenatchee	78,283.50	

Washington State College.

Dry Land Branch Station, Lind	\$23,661.00	
Cranberry-Blueberry Branch Station, Ilwaco	15,482.00	
Soil survey	15,058.00	
Vegetable Seed Investigation, Mount Vernon	44,400.00	
Nursery Stock Certification, Yakima	9,228.50	
Horticultural Investigations, Clark County	22,055.00	
For Agricultural Extension Work: Salaries, wages and operations..		\$297,983.84
For Division of Industrial Research: Salaries, wages and operations..		\$168,000.00

FOR THE STATE COLLEGE OF WASHINGTON:

From the Morrill Fund.....	\$102,800.00	
From the Federal Experiment Station Fund	185,148.00	
From the Federal Cooperative Agricultural Extension Fund.....	196,500.00	
To be expended in accordance with the purposes, terms, provisions and conditions of the respective acts of Congress for the endowment and granting of money to Agricultural Colleges and Experiment Stations		\$484,448.00

Central Washington College.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:

From the Normal School Current Fund	\$37,800.00	
From the Ellensburg Normal School Fund	\$519,473.70	
Salaries and wages.....	\$471,276.00	
Operations	85,997.70	
Total		\$557,273.70

Eastern Washington College.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:

From the Normal School Current Fund	\$37,800.00	
From the Cheney Normal School Fund	\$451,911.15	
Salaries and wages.....	\$420,336.00	
Operations	69,375.15	
Total		\$489,711.15

FOR THE WESTERN WASHINGTON
COLLEGE OF EDUCATION:

Western
Washington
College.

From the Normal School Current Fund	\$37,800.00	
From the Bellingham Normal School Fund	\$508,468.18	
Salaries and wages.....	\$460,813.18	
Operations	85,455.00	
Total		\$546,268.18

FOR CAPITAL OUTLAYS, MAJOR REPAIRS
AND MAINTENANCE:

Capital
outlays,
repairs,
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.

FOR THE SECRETARY OF STATE:

Secretary
of State.

Filing equipment and installation..	\$24,044.85
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FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

Parks
Committee.

Capital outlays and major repairs.	70,245.00
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FROM THE GENERAL FUND.

Capital outlays, major repairs, equipment and betterments.....	285,300.00
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Provided, That expenditures herefrom be allocated as follows:

Bridgeport State Park.....	\$67,500.00	
Conconuley State Park.....	27,000.00	
Illahee State Park.....	45,000.00	
Moran State Park.....	1,800.00	
Moses Lake State Park.....	45,000.00	
Mount Spokane State Park....	63,000.00	
Palouse Falls State Park.....	9,000.00	
Saltwater State Park.....	4,500.00	
Steptoe Butte State Park.....	22,500.00	

State Parks.

Department of Agriculture.

FOR THE DEPARTMENT OF AGRICULTURE:

Plant Introduction and Quarantine Station: Residence and water system..... \$15,300.00

Department of Finance, Budget and Business.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

Building alterations 2,700.00

FROM THE FISHERIES FUND.

Department of Fisheries.

FOR THE DEPARTMENT OF FISHERIES:

Capital outlays and major repairs.. 309,780.00 Green River Hatchery: Capital outlays and major repairs, including deficiency 36,000.00

FROM THE LEWIS RIVER HATCHERY FUND.

Capital outlays and major repairs. 7,200.00

FROM THE GAME FUND.

Department of Game.

FOR THE DEPARTMENT OF GAME:

Capital outlays and major repairs.. 54,000.00

FROM THE HIGHWAY SAFETY FUND.

Washington State Patrol.

FOR THE WASHINGTON STATE PATROL:

Vehicle Safety Inspection: Capital outlays, major repairs and betterments 77,130.00

FROM THE MOTOR VEHICLE FUND.

Weight Control: Capital outlays, major repairs and betterments 10,260.00

FROM THE GENERAL FUND.

Department of Finance, Budget and Business.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

STATE SCHOOL FOR GIRLS: Capital outlays, major repairs and betterments 2,250.00

FROM THE PENITENTIARY REVOLVING FUND.

State Penitentiary.

WASHINGTON STATE PENITENTIARY: Equipment for print shop and plate mill 16,200.00

FROM THE GENERAL FUND.

WASHINGTON VETERANS' HOME:		Veterans'
Repairs to boilers and equipment	\$13,500.00	Home.
WESTERN STATE HOSPITAL:		Western
Improvement of electrical wiring, ventilation and painting of buildings	15,300.00	State
Major repairs, swine department	1,800.00	Hospital.

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON:		University
Construction of new buildings, re- modeling and equipment.....	800,000.00	of Wash- ington.

FROM THE GENERAL FUND.

Arboretum:		} Vetoed.
Capital outlays and major repairs	31,500.00	

FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.

FOR THE STATE COLLEGE OF WASHINGTON:		State
Capital outlays, major repairs and betterments	175,126.53	College of Washington.

FROM THE GENERAL FUND.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		Central
Purchase of land and improvements	14,400.00	College of Washington.

Reimbursement for lands purchased from local cash funds.....	13,600.00
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FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		Eastern
Reimbursement for lands purchased from Halls of Residence Fund...	11,000.00	College of Washington.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		Western
Capital outlays, major repairs and betterments	63,558.00	College of Washington.

Purchase of land.....	32,355.00
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FOR THE WASHINGTON STATE HISTORICAL SOCIETY:		State
Major repairs and betterments....	1,350.00	Historical Society.

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern State
Repairs to building and equipment	2,250.00	Historical Society.

Total capital outlays and major repairs	—————	\$2,086,149.38
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Administra-
tive Board.

FOR THE ADMINISTRATIVE BOARD:

From the General Fund.....	\$1,974,870.00
From the Accident Fund.....	4,086.00
From the Bellingham Normal School Fund	55,728.00
From the Cheney Normal School Fund	48,600.00
From the Commission Merchants' Fund	6,480.00
From the Electrical License Fund.	4,536.00
From the Ellensburg Normal School Fund	55,728.00
From the Feed and Fertilizer Fund.	1,944.00
From the Fisheries Fund.....	64,800.00
From the Game Fund.....	155,520.00
From the Grain and Hay Inspection Fund	42,120.00
From the Highway Safety Fund...	550,720.80
From the Medical Aid Fund.....	4,086.00
From the Motor Vehicle Fund.....	690,379.20
From the Nursery Inspection Fund.	4,536.00
From the Penitentiary Revolving Fund	27,000.00
From the Public Utilities Revolving Fund	26,344.00
From the Reclamation Revolving Fund	2,754.00
From the Seed Fund.....	2,592.00
From the Transportation Revolving Fund	38,456.00
From the Washington State College Fund	270,216.00
To be expended for supplementary salaries and wages of officers and employees of various depart- ments, officers, boards, commis- sions and institutions, as pre- scribed and allocated by rules and resolutions adopted by the Ad- ministrative Board	————— \$4,031,496.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Bond
retirement.

FOR BOND RETIREMENT AND INTEREST.....	\$1,321,750.00
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FROM THE GENERAL FUND.

Court costs.

FOR COURT COSTS IN INSANITY CASES (including deficiencies)	\$72,000.00
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Cost bills.

FOR CRIMINAL COST BILLS (including deficiencies)	\$31,500.00
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FROM THE CURRENT SCHOOL FUND.

FOR DISTRIBUTION TO SCHOOL DISTRICTS AS PROVIDED BY LAW:

Distribution to school districts.

Provided, That during the period beginning July 1, 1946, the Governor may direct the State Treasurer to omit or reduce any transfers from the General Fund to the Current State School Fund by such amounts as may be determined by him to be unnecessary for efficient operations of schools, and in such event this appropriation shall be reduced accordingly: *Provided further*, That the Governor shall notify school districts of his intention to restrict any such transfers not later than April 1, 1946: *And provided further*, That the funds apportioned hereunder on the basis of the number of certificated employees shall not exceed seven hundred dollars (\$700) per educational unit..... \$65,000,000.00

FROM THE STATE SCHOOL EQUALIZATION FUND.

FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 226, LAWS OF 1937, AND CHAPTER 144, LAWS OF 1943.....

Counties.

\$3,600,000.00

FROM THE GENERAL FUND.

FOR DISTRIBUTION TO SCHOOL DISTRICTS AS PROVIDED BY CHAPTER 220, LAWS OF 1943.....

School districts.

\$500,000.00

FOR DISTRIBUTION TO JUNIOR COLLEGES AS PROVIDED BY CHAPTER 146, LAWS OF 1941, AS AMENDED BY CHAPTER 63, LAWS OF 1943.....

Junior colleges.

\$202,500.00

FOR THE COUNCIL OF STATE GOVERNMENTS:

To be distributed on vouchers approved by the Governor

Council of state governments.

\$2,700.00

FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES APPROVED DURING THE BIENNIUM APRIL 1, 1945, TO MARCH 31, 1947, PURSUANT TO SECTION 10, CHAPTER 9, LAWS OF 1925, AS AMENDED BY SECTION 6, CHAPTER 162, LAWS OF 1929

Emergency warrants.

\$225,000.00

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

Counties.

\$5,000.00

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 (including deficiencies)	\$1,958,689.66
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FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.

Bonds.	FOR BOND RETIREMENT AND INTEREST.....	\$1,572,795.00
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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
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FROM THE MOTOR VEHICLE EXCISE FUND.

Cities and towns.	FOR DISTRIBUTION TO CITIES AND TOWNS AS PROVIDED BY CHAPTER 144, LAWS OF 1943 (including deficiencies)	\$900,000.00
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FROM THE GENERAL FUND.

Tuberculosis hospitals.	FOR TUBERCULOSIS HOSPITALS (including Deficiencies)	\$400,000.00
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FROM THE TUBERCULOSIS EQUALIZATION FUND.

Tuberculosis hospitalization.	FOR TUBERCULOSIS HOSPITALIZATION, AS PROVIDED BY CHAPTER 162, LAWS OF 1943.....	\$855,000.00
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION FUND.

Firemen's claims.	FOR CLAIMS, AWARDS AND OTHER EXPENSES ALLOWED BY LAW (including deficiencies).....	\$72,000.00
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FROM THE WAR LIQUOR TAX FUND.

	FOR DISTRIBUTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 173, LAWS OF 1943.....	\$9,000,000.00
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FROM THE GENERAL FUND.

State Capitol Historical Society.	FOR THE STATE CAPITOL HISTORICAL ASSOCIATION:	
	Salaries and wages.....	\$3,240.00
	Operations	5,760.00
	Total	\$9,000.00

State Historical Society.	FOR THE WASHINGTON STATE HISTORICAL SOCIETY:	
	Salaries and wages.....	\$20,952.00
	Operations	6,750.00
	Total	\$27,702.00

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern State Historical Society.
Salaries, wages and operations....		\$9,000.00
FOR TRANSFERS:		
To State Teachers' Retirement Fund	\$3,505,853.60	Transfers.
To Cannery Revolving Fund.....	45,000.00	
To Penitentiary Revolving Fund...	90,000.00	
To Tuberculosis Equalization Fund.	855,000.00	
(Transfers to be made from time to time and in such amounts as as the Governor shall determine.)		
Total Transfers	—————	\$4,495,853.60
FOR THE GOVERNOR:		Governor.
Deficiency, Salaries, Wages and Operations (Emergency Approved February 19, 1945)..		\$3,500.00
FOR THE SECRETARY OF STATE:		Secretary of State.
Deficiency, Initiative and Referendum Measures and Constitutional Amendments (Emergencies Approved December 1, 1942, and January 11, 1943).....		\$3,510.93
FOR THE BOARD OF STATE LAND COMMISSIONERS:		Land Commissioners.
Deficiency, Salaries, Wages and Operations (Emergencies Approved December 8, 1942, and March 31, 1943).....		\$3,619.57
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Deficiency, Salaries, Wages and Operations (Emergencies Approved December 31, 1942, and April 28, 1943).....		\$3,370.25
FOR THE STATE DEFENSE COUNCIL:		Defense Council.
Deficiency, Salaries, Wages and Operations (Emergencies Approved February 17, 1943, and March 8, 1943).....		\$12,380.57
FOR THE STATE FINANCE COMMITTEE:		Finance Committee.
Deficiency, Operations (Emergency Approved October 17, 1944).....		\$250.00
FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		Finance, Budget and Business.
Deficiency, to extend Lighting System Sylvester Park (Emergency Approved November 4, 1943)		\$500.00
Capitol Buildings and Grounds:		
Deficiency, Operations (Emergency Approved February 3, 1945).....		\$10,000.00

Parole transportation.	Parole, Transportation and Deportation: Deficiency, Operations (Emergency Approved February 3, 1945)	\$3,000.00
Eastern State Hospital.	EASTERN STATE HOSPITAL: Deficiency, Preparation of Plans and Specifications for Post War Construction (Emergency Approved March 10, 1944)	\$10,000.00
Washington Infirmary.	WASHINGTON INFIRMARY: Deficiency, Construction, Alterations and Equipment to accommodate Rapid Treatment Center at Girls' School (Emergency Approved July 30, 1943)	\$2,500.00
McKay Hospital.	MCKAY MEMORIAL RESEARCH HOSPITAL: Deficiency, Salaries, Wages and Operations (Emergency Approved December 23, 1943)	\$35,000.00
Training School.	STATE TRAINING SCHOOL: Deficiency, Preparation of Plans and Specifications for Post War Construction (Emergency Approved March 10, 1944)	\$10,000.00
Veterans' Home.	WASHINGTON VETERANS' HOME: Deficiency, Sewage Disposal System (Emergency Approved September 27, 1943)	\$2,500.00
Custodial School.	WESTERN STATE CUSTODIAL SCHOOL: Deficiency, Preparation of Plans and Specifications for Post War Construction (Emergency Approved March 10, 1944)	\$10,000.00
Health Department.	FOR THE DEPARTMENT OF HEALTH: Deficiency, Salaries and Wages (Emergency Approved February 17, 1943)	\$3,020.00
	Deficiency, Industrial Hygiene Activities (Emergency Approved June 15, 1943)	\$20,000.00
Labor and Industries.	FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: Deficiency, Salaries, Wages and Operations (Emergencies Approved January 12, 1943, November 2, 1944, and December 12, 1944) ..	\$26,924.52
Department of Licenses.	FOR THE DEPARTMENT OF LICENSES: Deficiency, Operations (Emergency Approved December 23, 1944)	\$4,000.00
FROM THE CURRENT SCHOOL FUND.		
Board of Education.	FOR THE STATE BOARD OF EDUCATION: Deficiency, Salaries, Wages and Operations (To Reimburse the General Fund Account Emergency Approved October 17, 1944)	\$4,124.84

FROM THE FISHERIES FUND.

FOR THE STATE TREASURER:

State
Treasurer.

Deficiency, Salaries and Wages (To Reimburse
the General Fund Account Emergency Ap-
proved January 29, 1945)..... \$2,500.00

FOR THE DEPARTMENT OF FISHERIES:

Department
of Fisheries.

Water Pollution Studies:
Deficiency, Salaries, Wages and Operations
(To Reimburse the General Fund Account
Emergency Approved December 12, 1944) . \$7,500.00

FROM THE MEDICAL AID FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Department
of Labor and
Industries.

Deficiency, Operations (To Reimburse the Gen-
eral Fund Account Emergencies Approved
September 23, 1944, November 2, 1944, and
December 12, 1944)..... \$20,000.00

FROM THE MOTOR VEHICLE FUND.

FOR THE DEPARTMENT OF LICENSES:

Department
of Licenses.

Deficiency, Salaries, Wages and Operations
(To Reimburse the General Fund Account
Emergencies Approved February 23, 1943,
March 8, 1943, and December 23, 1944)..... \$67,375.25

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Effective Im-
mediately.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 20, 1945, with the exception of certain items, which are vetoed.

CHAPTER 271.

[S. B. 13.]

ACKNOWLEDGMENT OF INSTRUMENTS.

AN ACT relating to the acknowledgment of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes, shall be legal, valid and binding; providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act; repealing chapter 47, Laws of 1943, and declaring an emergency.

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

Armed force
members
acknowledg-
ments taken
by officers.

SECTION 1. In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the rank of ensign or higher in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either

(a) is a member of the armed forces of the United States, or

(b) is serving as a merchant seaman outside the limits of the United States included within the 48 states and the District of Columbia; or

(c) is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with

any activity pertaining to the prosecution of any war in which the United States is then engaged.

Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in this state under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act, had been made or taken within this state before or by a duly qualified officer or official as otherwise provided by law.

Legality of
acknowledg-
ments.

In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or documents, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledged the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

If the signature, rank, and branch of service or subdivision thereof, of any such commissioned officer appear upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be required and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this act.

Prima facie
correct.

SEC. 2. Chapter 47, Laws of 1943, is hereby repealed. } Vetoed.

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 12, 1945.

Passed the House February 28, 1945.

Approved by the Governor March 5, 1945, with the exception of Section 2, which is 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-ninth Legislative Session of the State of Washington, held from January 8, 1945, until March 8, 1945, 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 1st day of June, 1945.

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. 1.

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 as follows:

WHEREAS, There have recently occurred many serious accidents on railroads operated in the United States, which your Memorialists believe might be obviated by a more modern method of transmitting signals on such trains;

Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States consider and speedily pass necessary legislation requiring the installation of an adequate system of transmitting signals by radio, or other method found to be satisfactory or of equal benefit, the entire length of all trains operated within the United States; and

Be It Resolved, That copies of this memorial be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Congress from the State of Washington.

Passed the Senate February 8, 1945.

Passed the House March 7, 1945.

SENATE JOINT MEMORIAL NO. 3.

To the Honorable Franklin D. Roosevelt, President of the United States of America, and to the Honorable Edward R. Stettinius, Jr., Secretary of State of the United States:

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 United States has a heavy financial interest in Soviet Russia to the extent of approximately six billion dollars (\$6,000,000,000) through goods and services supplied under Lend-Lease since its establishment in March of 1941; and

WHEREAS, Nearly half of this sum represents shipments of industrial and agricultural machinery, equipment and products for which there will undoubtedly be a continuing demand after the cessation of hostilities; and

WHEREAS, A very considerable portion of these shipments have been made through the ports of the State of Washington and future commerce will likewise move through these ocean gateways by reason of their strategic geographical position in respect to the Union of Soviet Socialist Republics; and

WHEREAS, A permanent export trade will be necessary to absorb the post-war production of the industries of the Pacific Northwest whose capacity has been greatly increased by demands of the war; and

WHEREAS, The re-establishment of a Consulate of the U.S.S.R. at Seattle, Washington, will greatly facilitate the handling of trade matters in this area in respect to the U.S.S.R., since many shipments originate in or near Seattle and there is no other Soviet Consulate nearer than San Francisco, California;

Now, Therefore, We, your Memorialists, respectfully pray that the Secretary of State of the United States make appropriate recommendations to His Excellency, Andrei A. Gromyko, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics, in respect to the re-establishment of a Soviet Consulate at Seattle, Washington; and

Be It Resolved, That copies of this memorial be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, to the Honorable Edward R. Stettinius, Jr., Secretary of State of the United States, and to each member of the Congress from the State of Washington.

Passed the Senate February 9, 1945.

Passed the House February 25, 1945.

SENATE JOINT MEMORIAL NO. 5.

To the Honorable Harold L. Ickes, Secretary of the Interior, and to the Honorable Claude R. Wickard, Secretary of Agriculture:

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 seventy-eighth Congress at its second session passed an act approved April 5, 1944 entitled "An act authorizing the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shales, agricultural and forest products and other substances, in order to aid the prosecution of the war, to conserve and increase the oil resources of the nation, and for other purposes" (chapter 172, Public Law 290); and

WHEREAS, The State of Washington has many developed coal fields and many coal fields undeveloped and is rich in agricultural and forest products; and

WHEREAS, The State of Washington has unlimited electrical energy produced by water power and still greater potentialities for electrical energy produced by water power, so that the greatest amount of synthetic liquid fuel could be produced from coal, agricultural and forestry products and other products without consuming any of the fuels themselves in production; and

WHEREAS, The State of Washington is bountifully supplied with land-locked ports at which liquid fuels could be stored with the greatest safety and yet at the same time the greatest accessibility for transportation;

Now, Therefore, Be It Resolved, That we, the Senate and the House of Representatives of the State of Washington, do hereby memorialize and petition the Honorable Harold L. Ickes, Secretary of the Interior, and the Honorable Claude R. Wickard, Secretary of Agriculture, to cause to be established within the State of Washington one or more demonstration plants as authorized by said act of Congress for the production of synthetic liquid fuels; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the Honorable Harold L. Ickes, Secretary of the Interior, and to the Honorable Claude R. Wickard, Secretary of Agriculture, and to each Senator and Representative in Congress from the State of Washington.

Passed the Senate February 21, 1945.

Passed the House February 28, 1945.

SENATE JOINT RESOLUTION NO. 4.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The State of Washington during the past few years has had a tremendous increase in population; and

WHEREAS, In many cases both parents of juveniles are contributing to the war effort and are gainfully employed; and

WHEREAS, Juvenile delinquency in the State of Washington has increased tremendously since the advent of war; and

WHEREAS, Recent developments in King County have accentuated this problem; and

WHEREAS, The facilities of our city, county and state institutions for the investigation, treatment, detention and rehabilitation of juvenile delinquency are overtaxed;

Now, Therefore, Be It Resolved, That an interim committee of seven (7) members be appointed by the Legislature of the State of Washington, three (3) members of the committee to be members of the Senate and appointed by the President of the Senate, and four (4) members to be members of the House of Representatives and to be appointed by the Speaker of the House, to fully investigate such conditions and the causes therefor; and

Be It Further Resolved, That the President of the Senate designate one of the members as chairman, and that the Speaker of the House designate one of the members as secretary of the committee; and

Be It Further Resolved, That the members so appointed shall be entitled to their actual traveling expenses, including lodging and subsistence while absent from their usual place 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 from any sums of money appropriated for the expense of this 29th Session of the Legislature, or from such other funds as may be made available by this 29th Session of the Legislature; and

Be It Further Resolved, That the committee hold hearings, administer oaths, take depositions, issue subpoenas, and be, and they are hereby empowered to compel the attendance of witnesses at such hearings; and

Be It Further Resolved, That the committee prepare its findings and a report, including in such report recommendations for legislation concerning the subject-matter investigated, said findings and report to be submitted at the next regular or special session of the Legislature; and

Be It Further Resolved, That the committee is hereby authorized and empowered to seek advise from all interested parties, and investigate as fully as possible all problems relating to juvenile delinquency; and

Be It Further Resolved, That the committee be, and it is hereby authorized to employ such clerical assistants, investigators and other employees as may be necessary to carry out the intent of this resolution; and

Be It Further Resolved, That nothing contained herein shall prevent the committee from convening during this session of the Legislature, to hold such hearings and investigations as the gravity of the situation demand and making such recommendations to this session of the Legislature as the emergency nature of the situation herein described requires.

Passed the Senate January 30, 1945.

Passed the House February 13, 1945.

SENATE JOINT RESOLUTION NO. 14.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The Twenty-eighth Session of the Legislature of the State of Washington appointed and empowered three (3) Senate members and four (4) House members to serve as a committee to investigate, with a similar committee from the State of Oregon and a similar committee from the State of Idaho, the condition of the Columbia River fisheries, and suggest ways and means to prevent the depletion of salmon and steelhead runs and to negotiate with similar committees from the States of Oregon and Idaho to the end that some method for mutual control of Columbia River fisheries should be agreed upon; and

WHEREAS, This Interim Committee of Washington has conducted extensive investigations and has held numerous conferences with a similar committee from the State of Oregon (the State of Idaho having failed to appoint such a committee) and with other groups having an interest in preserving and protecting the salmon runs in the Columbia River and has submitted its report to this Twenty-ninth Regular Session of the Legislature; and

WHEREAS, It appears that an Interim Committee on Food Fish and Fisheries should be appointed for the ensuing bien-nium with power to investigate and inspect all matters relating to production and protection of food fish in all waters of the State of Washington and all waters bordering thereon, and report back to the Thirtieth Regular Session of the Legislature, or to any Extraordinary Session which may convene previous to the convening of the Thirtieth Regular Session, as to its recommendations for protection and production of food fish which constitutes such an important industry of the state whose products have a wholesale value of over twenty-two million five hundred thousand dollars (\$22,500,000) and employing over twenty thousand (20,000) persons; and

WHEREAS, It appears that further negotiations with an interim committee or committees or the proper officials, boards,

commissions or departments of the United States Government and State of Oregon, Idaho, and the Dominion of Canada or its provinces shall be beneficial to obtain interstate and international cooperation in the production and protection of food fish;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington in Legislative Session assembled:

That the President of the Senate be, and he is hereby empowered and directed to appoint three (3) Senate members and the Speaker of the House of Representatives be, and he hereby is, empowered and directed to appoint four (4) House members to serve as a committee to inspect, investigate and make recommendation to the Thirtieth Session of the Legislature, or to any Extraordinary Session of the Legislature which may be previously convened, as to all matters relating to the production and protection of food fish in all waters within and surrounding the State of Washington; and

Be It Further Resolved, That the committee so appointed be and it is hereby authorized and empowered to negotiate with similar committees and the officers, boards, commissions, departments or other official agencies of the United States Government, the States of Oregon, and Idaho, and the Dominion of Canada or any of its provinces and the Columbia Valley Authority, when the same is established, and with representative groups of fishermen, sportsmen, packers and distributors of fish to the end that the fishing industry may be improved and enlarged and sound basic protection given to the industry; and

Be It Further Resolved, That the committee so appointed be and it is hereby authorized and empowered to negotiate with similar committees and the proper representatives of the United States Government and States of Oregon and Idaho and the Columbia Valley Authority, when and if such an authority is created, and any other official or non-official group to the end that some method for mutual control of Columbia River fisheries may be agreed upon; and

Be It Further Resolved, That such committee shall select its own chairman and officers and shall have authority to retain legal counsel and such employees and technical assistants as such committee deems proper; and

Be It Further Resolved, That the committee so appointed and its legal counsel be and it is hereby empowered to confer with the Code Revision and Recompilation Committee in so far as the codification and revision of laws relating to food fish and fisheries are concerned; and

Be It Further Resolved, That the members so appointed and the employees of the committee shall be entitled to their actual traveling expenses, including lodging and sustenance while absent from their usual place 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, from any sums of money appropriated for the expense of this Twenty-ninth Session of the Legislature: *Provided*, That the total amount of money expended by this committee for its traveling, lodging, and sustenance expenses in carrying out its duties under this Resolution, shall not exceed the sum of five thousand dollars (\$5,000); and

Be It Further Resolved, That this Twenty-ninth Session of the Legislature of the State of Washington, pay from any sum of money appropriated for the expense of the Twenty-ninth Session of the Legislature, to the Attorney General of the State of Washington, the necessary legal expense incidental to advising the committee on the various legal problems which may confront it and aiding in the codification or revision of laws relating to food fish: *Provided*, That in no event shall such expenditures exceed the sum of twenty-five hundred dollars (\$2,500); and

Be It Further Resolved, That the committee so appointed make a report on their proceedings, including therein recommendations for consideration by the 1947 legislative sessions of the states of Washington, Oregon and Idaho.

Passed the Senate March 6, 1945.

Passed the House March 5, 1945.

SENATE CONCURRENT RESOLUTION NO. 2

Be It Resolved, By the Senate, the House concurring, that the Secretary of the Senate, and the Chief Clerk of the House, be authorized and directed to cause to be printed one thousand (1000) copies of the Legislative Manual for the session of 1945, said manual to be published on a page 6 x 3¾ inches, printed 17 ems pica wide; the joint rules, Senate and House rules to be set in eight-point leaded and the remainder to be set in six-point solid, with head notes only; the said Secretary and Chief Clerk be authorized and instructed to cause a sufficient number of said manuals to be bound in limp leather with thumb index, to supply all members of the Senate and the House of Representatives, the assistant clerks of said houses, and elective state officers; the remainder of the total edition of one thousand (1000) copies to be in cloth binding.

Adopted by the Senate January 19, 1945.

Adopted by the House January 22, 1945.

HOUSE JOINT MEMORIAL NO. 2

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 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 world is entering upon an era that will be characterized by the development of the countries bordering the Pacific, an enormous increase in commerce with the billion inhabitants of those lands, intense competition for postwar trade, and an urgent necessity that the United States peacefully prepare for national defense by maintaining a navy second to none, and by developing internal communications through waterways, and

WHEREAS, The Canal Commission of the State of Washington on June 7, 1933, aided by a board of eminent consulting

engineers, geologists and economic advisors, submitted to the Governor after thorough study and with detailed maps, cross sections, geologic, economic and other data and cost estimates, its "Report on Proposed Canals"; and

WHEREAS, That report establishes beyond doubt that it is economically feasible and relatively simple to construct at a moderate cost, three canals, each of which considered separately would justify its cost, furnish substantial revenues, contribute to the national defense and to the economic development and prosperity of the northwest; and which together would constitute a canal system that would enable vessels of medium draft to proceed by a short sea level canal from the State of Oregon and the Columbia River to Willapa Bay on the Washington coast, thence by a short sea level canal to Grays Harbor, and thence by a canal with a system of locks over a low divide to Puget Sound where such vessels would have access to natural inland waterways extending one thousand miles to Alaska; and

WHEREAS, These canals would have a direct relation to national defense in that they would provide for the army an inland water route from near Fort Lewis to Grays Harbor and the Columbia River, the present highway bridges being inadequate for heavy troop movements by land or for heavy artillery or munitions; and in that these canals would also permit the safe passage of submarines, destroyers and smaller navy craft between the Bremerton Navy Yard, Grays Harbor and the Columbia River; and

WHEREAS, The construction of these canals would greatly increase the value of the enormous timber holdings in western Washington of the United States, various Indian tribes and the State of Washington, by providing a cheap method of transporting logs.

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 enact and approve at the earliest moment, legislation providing for the construction by the United States of a system of three ca-

nals that will enable vessels of medium draft to proceed by a short sea level canal from the Columbia River to Willapa Bay on the Washington coast, thence by a short sea level canal to Grays Harbor, and thence by a canal with a system of locks over a low divide to Budd Inlet at the southern extremity of Puget Sound, substantially as recommended by the Canal Commission of the State of Washington in its report of June 7, 1933; and

Be It Resolved, That copies of this Memorial, together with copies of the aforesaid report by the Canal Commission of the State of Washington, be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Congress from the states of Washington and Oregon.

Passed the House February 8, 1945.

Passed the Senate March 6, 1945.

HOUSE JOINT MEMORIAL NO. 6.

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 as follows:

WHEREAS, President Roosevelt and the heads of our military forces have been unstinted in their praise of the heroic services performed by our Merchant Marine, of which more than five thousand sailors, volunteers in the battle zones of the sea, engaged in transporting men and munitions to the fronts, have been killed by submarines and aircraft; and

WHEREAS, Rear Admiral Emory S. Land, in recognition of the valient services of the men in the Merchant Marine, has proposed a series of minimum measures similar to those accorded to those in the Armed Forces, which measures have been submitted to Congress, namely: Hospitalization, care for the

wounded; economic rehabilitation by creating educational and placement privileges (including civil service preference); together with financial assistance to enter into farming or commercial pursuits; more adequate provisions for the dependents of those killed on ships, and those who have been rendered partially, as well as permanently, disabled by the enemy; and the use of the National flag at burials of seamen, with the privilege of burial in the National cemeteries;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, that we urge the President and the Congress of the United States to approve and pass the minimum measures for the benefit of the Merchant Marine as submitted by Rear Admiral Emory S. Land; 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 9, 1945.

Passed the Senate February 13, 1945.

HOUSE JOINT RESOLUTION NO. 9.

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1946, 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, to be added thereto as a new section to be known as section 3, and to read as follows:

“Section 3. The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the

United States, notwithstanding anything to the contrary in the constitution of this state."

And Be It Further Resolved, That the Secretary of State shall cause the foregoing proposed constitutional amendment to be published for at least three (3) months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

HOUSE JOINT RESOLUTION NO. 13.

Be It Resolved By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, Memorials erected in the past to honor those who fought in this country's wars too frequently failed to exemplify the spirit for which the memorial stood; and

WHEREAS, The purpose of war memorials should be to commemorate the courage and sacrifices of those who died and not to glorify the instruments of war but should contribute to the character, health and advancement of American citizenship; and

WHEREAS, Suggestions for such practical memorials include such projects as parks, playgrounds, athletic fields, swimming facilities, auditoriums, hospitals and other facilities for medical attention, educational institutions and other means for the general improvement of the public welfare;

Now, Therefore, Be It Resolved, That it is the sense of this Legislature that when war memorials are built in honor of those who have fought in the present war, they shall be such as best exemplify the lives of those to whom they are dedicated and at the same time serve the community, and that lifeless and useless war memorials shall be discouraged for war memorials so constructed might too easily permit us to forget the sacrifices which have been made in attaining victory and winning lasting peace; and

Be It Further Resolved, That the State Planning Council or other proper state agency be directed to prepare plans and en-

courage municipalities to design war memorials which serve to remind us of our obligation to foster the spirit of peace; and

Be It Further Resolved, That a properly attested copy of this resolution be sent to the State Planning Council.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

HOUSE JOINT RESOLUTION NO. 16

Be It Resolved, by the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The University of Washington is the owner of a certain tract of land in the City of Seattle commonly known as the "Old University Grounds"; and

WHEREAS, The said tract of land is under lease to a corporation known as "Metropolitan Building Company," which lease will expire in or about October, 1954; and

WHEREAS, The nature and location of the property make it desirable that the extensive improvements on the premises be kept modern and in good condition and that further buildings be erected thereon, calling for a large financial investment; and

WHEREAS, It is necessary that the owners of the lease, the tenants, the owners of the structures on the premises, and the general public be advised substantially in advance of the expiration of the said lease as to the public policy to be followed regarding the said property in order that business arrangements for the future may be perfected; and

WHEREAS, Under the provisions of chapter 44, Laws of 1923, the Regents of the University of Washington shall not sell, lease, release or make any other disposition of, extend or modify the lease upon the said lands until authorized and empowered to do so by statute enacted by the legislature; and

WHEREAS, It is important that the legislature be fully informed as to all facts and circumstances relating to the said property and conditions affecting the same, and be in a position to exercise judgment in any enactments relating to said property;

Now, Therefore, Be It Resolved, That an interim commission of seven (7) persons be appointed by the Legislature of the State of Washington, three (3) members of the said commission to be appointed by the President of the Senate from the membership of the Senate, and four (4) members to be appointed by the Speaker of the House from the membership of the House of Representatives, fully to investigate the said property, the lease affecting the same, and all the facts and conditions relating to the said property and tending to affect the future policy of the state in dealing with the said property; and

Be It Further Resolved, That the President of the Senate designate one (1) member of the commission as chairman thereof, and the Speaker of the House designate one (1) member of the commission as assistant chairman; and

Be It Further Resolved, That the commission shall hold hearings, administer oaths, take testimonies, oral or written, issue subpoenas and have power to compel the attendance of witnesses at such hearings; and

Be It Further Resolved, That the commission prepare a report both of factual findings and such recommendations as seem proper to the commission for the assistance of the legislature in dealing with the property herein referred to, and that said report be submitted to the 1947 session of the Washington Legislature; and

Be It Further Resolved, That the commission is empowered to employ such clerical and other assistants as may be necessary to carry out the intent of this resolution, and fix their compensation; and

Be It Further Resolved, That the members of the commission receive the sum of ten dollars (\$10) to cover expenses incurred in each day of actual attendance at meetings or hearings, or otherwise expended in the work of the commission; and the sum of five cents (5¢) per mile for each mile necessarily traveled to and from the member's usual place of abode in performance of the duties of the commission; and

Be It Further Resolved, That the sum of ten thousand dollars (\$10,000) be and the same is hereby appropriated to the

commission to carry out the duties provided for in this resolution.

Passed the House March 1, 1945.

Passed the Senate March 2, 1945.

HOUSE JOINT RESOLUTION NO. 19

Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in legislative session assembled:

WHEREAS, The President of the United States of America has issued a proclamation establishing the month of March, 1945, as Red Cross Month throughout the Nation; and

WHEREAS, The various Mayors and Governors are being asked to do likewise with their respective cities, towns and states; and

WHEREAS, The war time needs of the Red Cross are so much greater than are the peace time needs of said organization that the previously effective roll call method is now inadequate; and

WHEREAS, A greatly increased contribution from everyone will be needed; and

WHEREAS, A membership in the Red Cross will be received by all who contribute to the fund; and

WHEREAS, There will be, during the year 1945, no regular Roll Call, and the 1945 War Fund Campaign will be the only form of solicitation of funds by the Red Cross during said year;

Now, Therefore, Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in legislative session assembled, that the month of March, 1945, be and the same is hereby declared to be Red Cross Month in the State of Washington.

Passed the House February 26, 1945.

Passed the Senate February 28, 1945.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, A number of former members of the Senate and the House of Representatives of the State of Washington have passed from this life, leaving behind them a record of service to the people, it is now our privilege to honor the memories of these, our departed comrades:

George Adamson
 Theo Albert
 Claude C. Aspinwall
 Clifford L. Babcock
 D. W. Barclay
 Frank Grant Barnes
 George L. Berger
 W. A. Bolinger
 Dr. A. F. Brockman
 H. D. Buchanan
 Judge Charles E. Claypool
 Bert H. Collins
 John C. Crawford
 Peter David
 Walter S. Davis
 Thomas Dobson
 John H. Ferryman
 George Ginn
 Elmer E. Lalsey
 John Hanks
 Henry C. Hartung

Joe L. Keeler
 Ritchey M. Kinnear
 George A. Lovejoy
 Robert T. McDonald
 Philip McDonough
 Henry S. McGowan
 Thomas F. Murphine
 Ralph L. Philbrick
 David Phillips
 C. W. Ryan
 Judson W. Shorett
 Frank R. Spinning
 Thomas N. Swale
 Dave Sweeny
 Maude Sweetman
 Howard D. Taylor
 Dorian E. Todd
 Charles H. Voss
 Solon T. Williams
 W. W. Wilshire

and

WHEREAS, It is our desire to pay special and fitting tribute to the lives and service of these valued public servants and to express our sympathies to their bereaved families;

Be It Resolved, By the House of Representatives, the Senate concurring, that in recognition of the valued services rendered to the state by these eminent citizens, appropriate services be held in the House Chamber on Monday, February 12, 1945, at 2:00 p. m., that their bereaved families be invited to attend such memorial services, and that an opportunity be given for a tribute to their memories; and

Be It Further Resolved, That the Memorials Committee of the House of Representatives and the Senate, jointly arrange for the memorial services; and

Be It Further Resolved, That as a further mark of respect to the memories of the deceased, the Chief Clerk of the House and the Secretary of the Senate be instructed to transmit a copy of this resolution, suitably engrossed, to the families of the

deceased and that a printed record of this resolution and of the memorial services provided for be made for the members of the Legislature, state officials and the families of the deceased.

Adopted by the House January 30, 1945.

Adopted by the Senate January 31, 1945.

HOUSE CONCURRENT RESOLUTION NO. 9

Resolved, By the House of Representatives, the Senate concurring, That the item "For Legislative Expense" as appropriated in Substitute House Bill No. 550 shall be divided so that Sixty Thousand Dollars (\$60,000) will be available for the use of the House and Fifty-five Thousand Dollars (\$55,000) will be available for the use of the Senate in the payment of all vouchers, the proportion being in ratio to the membership of the House and of the Senate and also in proportion to the House and Senate membership on the various interim committees.

Adopted by the House March 8, 1945.

Adopted by the Senate March 8, 1945.

**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, 1914; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—Filed February 11, 1916. No petition filed.

- INITIATIVE MEASURE NO. 21 (Home Rule)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing 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 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.

- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (Catching of Fish)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)—Filed February 1, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—Filed March 10, 1934. No petition filed.

- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)—Filed May 18, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (40-Mill Tax Limit)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)—Filed January 17, 1936. No petition filed.

- INITIATIVE MEASURE NO. 104 (Tax on Gasoline)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (Relating to Gill Nets)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on Gasoline)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (40-Mill Tax Limit)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of Sick to Hospitals)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for Crippled and Blind)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of Sick to Hospitals)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing Compulsory Military Training)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on Gasoline)—Filed April 15, 1936. No petition filed.
- INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)—Filed April 21, 1936. Submitted to the people November 3, 1936; passed.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (Production for Use)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (Beer on Sunday)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (Business and Occupation Tax)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (Distribution of Highway Funds)—Filed February 9, 1938. No petition filed.

- INITIATIVE MEASURE NO. 125 (Tax on Intoxicating Liquors)—Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (Non-Partisan School Election)—Filed February 24, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 127 (Distribution of Highway Funds)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (Civil Service)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)—Filed March 18, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 130 (Regulation of Labor Disputes)—Filed April 6, 1938. Submitted to the people November 8, 1938; failed to pass.
- INITIATIVE MEASURE NO. 131 (Civil Service)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (Old Age Assistance)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (Relating to Licensing Gambling)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (Old Age Assistance)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (40-Mill Tax Limit)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (Relating to Retail Beer and Wine Licenses)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (Relating to Gambling)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (Relating to Gambling)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January 5, 1940. Submitted to the people November 5, 1940; failed to pass.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January 11, 1940. Submitted to the people November 5, 1940; passed.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147 (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.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)—Filed January 3, 1942. Submitted to the people November 3, 1942; failed to pass.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Re-constitution of Board of State Land Commissioners)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)—Filed February 19, 1944. Re-filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)—Filed March 3, 1944. Submitted to the people November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)—Filed March 28, 1944. Submitted to the people November 7, 1944; failed to pass.

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. Submitted 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 of 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 of 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 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. Insufficient 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.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws 1941, Industrial Insur-
ance)—Filed April 3, 1941. Submitted to the people November 3, 1942;
passed.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws 1941, Providing for
Legal Advisor for Grand Juries)—Filed April 16, 1941. Submitted to the
people November 3, 1942; failed to pass.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws 1941, Prosecuting At-
torneys; Providing that they shall no longer give advice to Grand Juries)—
Filed April 16, 1941. Submitted to the people November 3, 1942; failed
to pass.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws 1943; Relating to Public
Utility Districts)—Filed March 18, 1943. Submitted to the people Novem-
ber 7, 1944; failed to pass.
- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws 1945, Relating to ap-
pointment of State Game Commissioners by the Governor)—Filed April
3, 1945. Petitions being circulated at the time this volume printed.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws 1945, Relating to the
creation of a State Timber Resources Board)—Filed April 3, 1945. Peti-
tions being circulated at the time this volume printed.

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.

INITIATIVE TO THE LEGISLATURE NO. 11 (Re-apportionment of State Legislative Districts)—Filed July 8, 1942. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Act invalidated through Referendum Measure No. 25.

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.

REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people November 3, 1942; passed.

Constitutional Amendments

No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.

No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.

No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.

No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.

No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.

No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.

No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.

- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: Harbors and Harbor Areas. Adopted November, 1932.
- No. 16. To Section 11, Article XII. Re: Double Liability of Stockholders. Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: 40-Mill Tax Limit. Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only. Adopted November, 1944.

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