

a duly adopted resolution of the commissioners of the port district that the property sought is marginal lands as the term is herein defined, setting forth the characteristics of the lands sought to be acquired which constitutes the marginal lands as herein defined, shall be prima facie evidence that such land is marginal lands as defined in this act.

Repeal. SEC. 22. Chapter 53.24 RCW and chapter 53.28 RCW and chapter 45, Laws of 1939, as last amended by section 1, chapter 166, Laws of 1943 are repealed:
Savings. *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act.

Severability. 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 the portion held to be invalid.

Passed the House February 3, 1955.

Passed the Senate February 25, 1955.

Approved by the Governor March 3, 1955.

CHAPTER 74.

[H. B. 351.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance, also known as workmen's compensation; and amending section 1, chapter 128, Laws of 1923, and section 5, chapter 136, Laws of 1923, and section 1, chapter 281, Laws of 1947 and RCW 51.12-.010, 51.12.020, 51.12.030, 51.12.040, 51.12.050 and 51.12.070, and section 5, chapter 74, Laws of 1911 as last amended by section 3, chapter 115, Laws of 1951 and RCW 51.32.090.

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

Amendment. SECTION 1. Section 1, chapter 128, Laws of 1923, and section 5, chapter 136, Laws of 1923, and section 1, chapter 281, Laws of 1947, (heretofore combined,

divided, and codified as RCW 51.12.010, 51.12.020, 51.12.030, 51.12.040, 51.12.050 and 51.12.070) are amended to read as set forth in sections 2 through 7 of this act.

SEC. 2. (RCW 51.12.010) There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this title, to wit:

Enacted
without
amendment.

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving, and motor delivery, including drivers and helpers, in connection with any occupation except agriculture, stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; trans-

fer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations.

Enacted
without
amendment.

SEC. 3. (RCW 51.12.020) The following shall not be deemed extrahazardous within the meaning, or be included in the enumeration of RCW 51.12.010, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises.

Enacted
without
amendment.

SEC. 4. (RCW 51.12.030) If there be or arise any extrahazardous occupation or work other than those enumerated, it shall come under this title, and its rate of contribution to the accident fund shall be, until fixed by legislation, determined by the department upon the basis of the relation which the risk involved bears to the risks classified in chapter 51.20.

Enacted
without
amendment.

SEC. 5. (RCW 51.12.040) The director, through the division of industrial insurance, may, after hearing had upon his own motion, or upon the application of any party interested, declare any occupation or work to be extrahazardous and to be under this title. The director shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the

first class of this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director after hearing had. Any person affected shall have the right to appear and be heard at any such hearing.

SEC. 6. (RCW 51.12.050) Whenever the state, county, any municipal corporation, or other taxing district shall engage in any extrahazardous work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: *Provided*, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received from the department under this title such employee shall be entitled to the

Taxing
districts sub-
ject to title.

Employees
elsewhere
provided for.

benefits of this title and may be included in the payroll of the municipality.

Enacted without amendment.

SEC. 7. (RCW 51.12.070) The provisions of this title shall apply to all extrahazardous work done by contract; the person, firm, or corporation who lets a contract for such extrahazardous work shall be responsible primarily and directly for all payments due to the accident fund and medical aid fund upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable to the accident fund and medical aid fund, and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title.

Amendment.

SEC. 8. Section 5, chapter 74, Laws of 1911 as last amended by section 3, chapter 115, Laws of 1951 and RCW 51.32.090 are each amended to read as follows:

Temporary total disability benefits.

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), and (3) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or has a wife or husband or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues shall be per month as follows, to wit: (a) Injured workman whose husband is not an invalid, seventy-five dollars, and for the youngest or only child, ten dollars, and for each additional child, seven dollars and fifty cents, but the total monthly pay-

ments shall not exceed one hundred fifteen dollars and any deficit shall be deducted proportionately among the beneficiaries; (b) injured workman with wife or invalid husband and no child, one hundred ten dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, one hundred thirty-five dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, one hundred fifty-five dollars and ten dollars for each additional child, but the total monthly payments shall not exceed one hundred eighty-five dollars and any deficit shall be deducted proportionately among the beneficiaries.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

Passed the House February 17, 1955.

Passed the Senate February 26, 1955.

Approved by the Governor March 3, 1955.