

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION, THIRTY-SIXTH LEGISLATURE
Convened January 12, 1959, Adjourned March 12, 1959

EXTRAORDINARY SESSION, THIRTY-SIXTH LEGISLATURE
Convened March 13, 1959, Adjourned March 27, 1959

Compiled in Chapters by
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Secretary of State

MARGINAL NOTES AND INDEX

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Published by Authority



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Preface

The Thirty-Sixth Legislature of the State of Washington convened at 12 o'clock noon, January 12, 1959 (being the second Monday in January), and adjourned *sine die* March 12, 1959.

All acts passed by the session, either approved by the Governor or allowed to become law without his signature, take effect ninety days after adjournment. The effective date falls this year on 12 o'clock **midnight**, June 10, 1959, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

A handwritten signature in cursive script, reading "Victor A. Meyers". The signature is written in black ink and is positioned above the printed name and title.

VICTOR A. MEYERS
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Sixth Regular Session 1959

CHAPTER 1.

[INITIATIVE MEASURE 23 TO THE LEGISLATURE.]

CIVIL SERVICE FOR SHERIFF'S EMPLOYEES.

AN ACT providing civil service status for certain employees of the various county sheriffs; creating civil service commissions to administer the act; and setting forth their powers and duties; excepting certain employees therefrom; listing grounds for dismissal, censure or disciplining of employees within the act; forbidding sheriff's employees to engage in any political activity or to contribute to political funds; making county commissioners responsible for funds to administer the act; and providing penalties for violations thereof.

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

SECTION 1. The general purpose of this act is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. Purpose.

SEC. 2. Definition of terms:

(1) "Commission" means the civil service commission, or combined county civil service commission, herein created, and "commissioner" means any one of the three members of any such commission; Definitions.
"Commission."

(2) "Appointing power" means the county sheriff who is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other necessary employees subject to civil service; "Commissioner."
"Appointing power."

"Appointment."

(3) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment subject to civil service;

"County."

(4) "County" means any county of the state, or any counties combined pursuant to Section 4 for the purpose of carrying out the provisions of this act;

"Deputy sheriff."

(5) "Deputy sheriff or other members of the office of county sheriff" means all persons regularly employed in the office of county sheriff either on a part-time or full-time basis.

Commission created.

SEC. 3. There is created in each county and in each combination of counties, combined pursuant to Section 4 to carry out the provisions of this act, a civil service commission which shall be composed of three persons. The commission members shall be appointed by the board of county commissioners, or boards of county commissioners of each combination of counties, within sixty days after the effective date of this act. No person shall be appointed to the commission who is not a citizen of the United States, a resident of the county, or one of the counties combined, for at least two years immediately preceding his appointment, and an elector of the county wherein he resides. The term of office of the commissioners shall be six years, except that the first three members of the commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of the commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or other good cause: *Provided*, That no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing had. Any vacancy in the commission shall be filled by the county commissioners for the unexpired term.

Members appointed.

Qualifications.

Terms.

Removal.

Vacancies.

Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. Confirmation of the appointment of commissioners by any legislative body shall not be required. At the time of appointment not more than two commissioners shall be adherents of the same political party. No member after appointment shall hold any salaried public office or engage in county employment, other than his commission duties. The members of the commission shall serve without compensation.

Quorum.

Political affiliation.

SEC. 4. Any counties of the fourth class or of lesser classifications, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

Combined civil service authorized for certain counties.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this act shall apply equally to any such combined civil service system.

SEC. 5. Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

Commission organization—Meetings.

Chief
examiner.

It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the county, or promotional and limited to persons already in the service of the county sheriff's office. The chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

Duties of
commission.

SEC. 6. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this act, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of

the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.

(3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by this act, and ascertain whether this act and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a superior court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this act, and punishable as such.

(4) To conduct hearings and investigations in accordance with this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor desig-

Duties of
commission.

nated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission: *Provided*, That no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(6) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(7) To certify to the appointing authority, when a vacant position is to be filled, on written request, the name of the person highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

(8) To keep such records as may be necessary for the proper administration of this act.

SEC. 7. The classified civil service and provisions of this act shall include all deputy sheriffs and other employees of the office of sheriff in each county except the following positions which are hereby designated the unclassified service:

Unclassified
service.

(1) The county sheriff in every county;

(2) In each class A and class AA county; the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary;

(3) In each county of the first class, second class, and third class; three principal positions comparable to undersheriff, a chief criminal deputy, and a chief civil deputy;

(4) In each of all other counties; one position to be appointed by the sheriff.

SEC. 8. All appointments to and promotions to positions in the classified civil service of the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this act.

Basis for
appointments,
promotions.

SEC. 9. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment hereof, all persons holding a position which is deemed classified by Section 7 for a continuous period of six months prior to the effective date of this act, are eligible for permanent appointment under civil service to the offices, places, positions, or employments which they then held without examination or other act on their part, and not on probation; and every such person is automatically adopted and inducted permanently into civil service, into the office, place, position, or employment which he then held as completely and

Persons now
eligible for
permanent
appointment.

effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation.

**Qualifications
of applicant
for position.**

SEC. 10. An applicant for a position of any kind under civil service, must be a citizen of the United States and an elector of the county in which he resides, who can read and write the English language, and must have been a resident of the state for at least one year.

**Tenure under
civil service.**

SEC. 11. The tenure of every person holding an office, place, position, or employment under the provisions of this act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

**Grounds for
loss of tenure.**

(1) Incompetency, inefficiency, or inattention to, or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this act or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

SEC. 12. No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this act, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing a suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing

Procedure for
removal, sus-
pension or
demotion.

to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court.

**Procedure
when vacancy
in position.**

SEC. 13. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class,

the commission shall certify the name of the person standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to the vacant position.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified to him, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the office of county sheriff. Thereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties for the probationary period, until some person is found who is deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete.

Probationary
service.

SEC. 14. All offices, places, positions, and employments coming within the purview of this act, shall be filled by the appointing power with the consent of the board of county commissioners, and nothing herein contained shall infringe upon such authority that an appointing power may have to fix the salaries and compensation of all employees employed hereunder.

Appointing
power to fill
position, fix
compensation.

SEC. 15. No treasurer, auditor or other officer, or employee of any county subject to this chapter shall approve the payment of or be in any manner concerned in paying, auditing, or approving any

Payroll
certified by
commission.

salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this act, unless a payroll, estimate, or account for such salary, wage, or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on such payroll, bears the certificate of the civil service commission, or of its chief examiner or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this act and the rules of the commission, and that the payroll, estimate, or account is, insofar as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who wilfully or through culpable negligence, violates or fails to comply with this act or with the rules of the commission.

Leave of absence authorized.

SEC. 16. Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power gives notice of the leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

Civil suits—
County prosecuting attorney.

SEC. 17. The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this act and rules of the commission. The commission shall be represented in such suits by the prosecuting attorney of the county. In the case of combined counties any one or more of the prosecuting attorneys of each county so com-

bined may be selected by the commission to represent it.

SEC. 18. No commissioner or any other person, shall, by himself or in cooperation with others, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to this act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

Certain acts prohibited.

The right of any person to an appointment or promotion to any position in a sheriff's office shall not be withheld because of his race, color, creed, national origin, political affiliation or belief, nor shall any person be dismissed, demoted, or reduced in grade for such reason.

SEC. 19. No person holding any office, place, position, or employment subject to civil service, shall contribute to any political fund or render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service or promise or threaten so to do for giving or withholding, or neglecting to make any contribution of money, or

Political practices prohibited.

service, or any other valuable thing, for any political purpose.

Cooperation
of county
employees
required.

SEC. 20. All officers and employees of each county shall aid in all proper ways in carrying out the provisions of this act, and such rules and regulations as may, from time to time, be prescribed by the commission and afford the commission, its members, and employees, all reasonable facilities and assistance in the inspection of books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, and employments, subject to civil service, and also shall produce such books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

Funds for
support of
commission.

SEC. 21. The board of county commissioners of each county may provide in the county budget for each fiscal year a sum equal to one-half of one per cent of the preceding year's total payroll of those included under the jurisdiction and scope of this act. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Violation,
misdemeanor
—Penalty.

SEC. 22. Any person who wilfully violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days or by both such fine and imprisonment. The superior court shall have jurisdiction of all such offenses.

Severability.

SEC. 23. If any section, sentence, clause, or phrase of this act should be held to be invalid or

unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this act.

Filed in the office of the Secretary of State August 7, 1956.

Passed by vote of the people November 4, 1958 at the state general election.

Proclamation signed by the Governor December 4, 1958.

CHAPTER 2.

[S. B. 41.]

APPROPRIATION—EXPENSES OF LEGISLATURE.

AN ACT relating to the expenses of the thirty-sixth legislature; making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state general fund the sum of three hundred eighty thousand dollars, or so much thereof as may be necessary, for the purpose of paying the expenses, except legislative printing, of the thirty-sixth legislature. From the amount hereby appropriated: Appropriation.

(1) The Senate shall not expend more than one hundred seventy-five thousand dollars; and

(2) The House of Representatives shall not expend more than two hundred five thousand dollars.

SEC. 2. None of the funds appropriated herein shall be expended by or for the legislative council, the legislative budget committee or any other legislative interim committee. Interim
committee
exclusion.

Emergency. SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate January 15, 1959.

Passed the House January 16, 1959.

Approved by the Governor January 20, 1959.

CHAPTER 3.

[S. B. 42.]

APPROPRIATION—LEGISLATIVE PRINTING.

AN ACT relating to legislative printing; making an appropriation; and declaring an emergency.

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

Appropriation. SECTION 1. There is hereby appropriated out of the general fund the sum of ninety thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the thirty-sixth legislature, or either branch thereof.

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

Passed the Senate January 15, 1959.

Passed the House January 16, 1959.

Approved by the Governor January 20, 1959.

CHAPTER 4.

[S. B. 43.]

APPROPRIATION—PAYMENTS TO LEGISLATORS IN LIEU OF SUBSISTENCE AND LODGING.

AN ACT relating to legislators' subsistence; making an appropriation; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state general fund the sum of two hundred and twenty-three thousand five hundred dollars for payment to members of the legislature in lieu of subsistence and lodging while in attendance at the thirty-sixth legislative session. Appropriation.

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

Passed the Senate January 15, 1959.

Passed the House January 16, 1959.

Approved by the Governor January 20, 1959.

CHAPTER 5.

[S. B. 25.]

FIREMEN'S RELIEF AND PENSIONS—
1947 ACT AMENDED.

AN ACT relating to firemen's relief and pensions; and amending and reenacting section 8, chapter 91, Laws of 1947 as divided and amended by sections 1 through 13, chapter 82, Laws of 1957, and RCW 41.16.080 through 41.16.190 and declaring an emergency.

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

SECTION 1. Section 8, chapter 91, Laws of 1947 as divided and amended by sections 1 through 13, chapter 82, Laws of 1957 is amended and reenacted

to read as set forth in sections 2 through 13 of this act.

RCW 41.16.080
enacted
without
amendment.

SEC. 2. (RCW 41.16.080) Any fireman employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as "fireman", and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement any fireman shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his service and a percentage factor based upon his age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under.....	1.50%
21	1.55%
22	1.60%
23	1.65%
24	1.70%
25	1.75%
26	1.80%
27	1.85%
28	1.90%
29	1.95%
30 and over.....	2.00%

Said monthly pension shall be in the amount of his average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor.

RCW 41.16.090
amended.
Limit of
pension.

SEC. 3. (RCW 41.16.090) No monthly pension or benefit shall be paid in excess of one hundred fifty dollars: *Provided*, That all pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947

and RCW 41.16.230, shall have their pensions increased in the amount of twenty-five dollars per month, beginning at the time this 1957 law becomes effective; but no pensioners will be entitled to receive more than one hundred and fifty dollars per month.

SEC. 4. (RCW 41.16.100) The widow, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his accumulated contributions to the fund, plus earned interest thereon compounded semiannually: *Provided*, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his widow, child, children or beneficiary: *Provided further*, That the amount paid shall not be less than one thousand dollars.

RCW 41.16.100
enacted
without
amendment.

SEC. 5. (RCW 41.16.110) Whenever any fireman shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100.

RCW 41.16.110
enacted
without
amendment.

SEC. 6. (RCW 41.16.120) Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his duty, his widow may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, she remarries. If there is no widow, then such pension benefits shall be paid to his child or children.

RCW 41.16.120
enacted
without
amendment.

SEC. 7. (RCW 41.16.130) (1) Any fireman who shall become disabled as a result of the performance

RCW 41.16.130
enacted
without
amendment.

of his duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his disability, upon his written request filed with his retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him, after giving him a thirty days notice. Upon his retirement he shall be paid a monthly disability pension in amount equal to one-half of his monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he recovers from his disability he shall thereupon be restored to active service, with the same rank he held when he retired.

(3) If the fireman dies during disability and not as a result thereof, RCW 41.16.160 shall apply.

RCW 41.16.140
enacted
without
amendment.

SEC. 8. (RCW 41.16.140) Any fireman who has served more than fifteen years and sustains a disability not in the performance of his duty which renders him unable to continue his service, shall within sixty days exercise his choice either to receive his contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his age shown in RCW 41.16.080, times his average monthly salary as a member of the fire department of his municipality at the date of his retirement, times the number of years of service rendered at the time he sustained such disability. If such fireman shall die leaving surviving him a wife, or child

or children, then such wife, or if he leaves no wife, then his child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

SEC. 9. (RCW 41.16.150) (1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he will take. In the event he fails to exercise his right of election then he shall receive the amount of his contributions plus accrued compounded interest. In the event he elects such pension, but dies before attaining the age of fifty-five, his widow, or if he leaves no widow, then his child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow, or if he leaves no widow, then child or children shall receive his contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his lifetime.

RCW 41.16.150
enacted
without
amendment.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his contributions, plus accrued compounded interest.

SEC. 10. (RCW 41.16.160) Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his duty and for which no pen-

RCW 41.16.160
enacted
without
amendment.

sion is provided in this chapter, and who has not been retired on account of disability, his widow, if she was his wife at the time he was stricken with his last illness, or at the time he received the injuries from which he died; or if there is no such widow, then his child or children shall be entitled to the amount of his contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

RCW 41.16.170
enacted
without
amendment.

SEC. 11. (RCW 41.16.170) Whenever a fireman dies leaving no widow or children, the amount of his accumulated contributions, plus accrued compounded interest only, shall be paid his beneficiary.

RCW 41.16.180
enacted
without
amendment.

SEC. 12. (RCW 41.16.180) Upon the death of any active, disabled or retired fireman the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such fireman.

RCW 41.16.190
enacted
without
amendment.

SEC. 13. (RCW 41.16.190) No fireman disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties, it shall declare him inactive. For a period of six months from the time he became disabled, he shall continue to draw full pay from his municipality and in addition thereto he shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the fireman is unable

to return to and perform his duties, then he shall be retired as herein provided.

SEC. 14. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act. Construction.

SEC. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to any other persons or circumstances is not affected. Severability.

SEC. 16. 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. Emergency.

Passed the Senate January 21, 1959.

Passed the House January 23, 1959.

Approved by the Governor January 27, 1959.

CHAPTER 6.

[S. B. 51.]

POLICE RELIEF AND PENSIONS—FIRST CLASS CITIES.

AN ACT relating to pensions for retired police department members and their families; reenacting section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050; reenacting section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060; reenacting section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080; and declaring an emergency.

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

SECTION 1. Section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of RCW 41.20.050
reenacted.

1957 and RCW 41.20.050 are each reenacted to read as follows:

Pension on retirement for years of service.

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years or more, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired shall be paid from the fund during his lifetime a pension equal to forty-five percent of the amount of salary attached to the rank held by the retired member for the year preceding the date of his retirement: *Provided*, That no pension shall exceed an amount equivalent to one-half the basic salary of a member holding the rank of captain and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: *Provided further*, That for each additional year of honorable service in excess of twenty-five years, but not to exceed an additional five years of service, the retirement benefit percentage herein provided shall be increased one percent per year.

Any person affected by this chapter 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 chapter, his period of war service in the armed forces, but such credited service shall not exceed five 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 RCW 41.20.130.

Note: See also section 3, chapter 78, Laws of 1959.

RCW 41.20.060 reenacted.

SEC. 2. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957,

and RCW 41.20.060 are each reenacted to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to one-half of the amount of salary attached to the rank which he held in the department at the date of his retirement, but not to exceed an amount equivalent to one-half the basic salary of a member holding the rank of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Pension on retirement for disability.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

Note: See also section 4, chapter 78, Laws of 1959.

SEC. 3. Section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957, and RCW 41.20.080 are each reenacted to read as follows:

RCW 41.20.080 reenacted.

Whenever any member of the police department of any such city loses his life through violence while

Pension on death of policeman through violence.

actually engaged in the performance of duty as a police officer, leaving a widow or child or children under the age of sixteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-half of the amount of the salary attached to the rank which such member held in the police department at the time of his death, shall be paid to the widow during her life, or if there is no widow, then to the child or children, until they are sixteen years of age: *Provided*, That if such widow or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

If any member so losing his life, leaves no wife, or child or children under the age of sixteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

Note: See also section 5, chapter 78, Laws of 1959.

Construction.

SEC. 4. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act.

Severability.

SEC. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

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.

Passed the Senate January 21, 1959.

Passed the House January 23, 1959.

Approved by the Governor January 27, 1959.

CHAPTER 7.

[S. B. 84.]

STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the Washington state teachers' retirement system; repealing section 49, chapter 80, Laws of 1947, section 22, chapter 274, Laws of 1955 and RCW 41.32.490; adding two new sections to chapter 80, Laws of 1947 and chapter 41.32 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows: New section.

Any former member of the retirement system or a former fund who was receiving a pension on July 1, 1947, shall in lieu of any pension allowance under any former law receive beginning on the effective date of this act a pension equal to as many thirtieths (not to exceed thirty thirtieths) of one hundred dollars per month as he has had years of creditable service: *Provided*, That any former member who had not yet attained age sixty years upon July 1, 1947, shall receive a pension of one hundred dollars per month less two dollars per month for each year such former member shall have been under age sixty years on July 1, 1947. Pensions redetermined.

Any former member of the retirement system or a former fund who was receiving a retirement allowance either for service or disability on June 30, 1955, shall have, in addition to the pension he was receiving on that date, such pension from the state increased by a cost of living adjustment of twenty-five percent beginning on the effective date of this act; but no former member who has been retired for disability shall receive an allowance of less than seventy-five dollars per month. Minimum allowance.

New section.

SEC. 2. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Pensions increased.

Any person who has received a pension from the retirement system during the period between July 1, 1947 and the effective date of this act pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, is hereby granted an increase in pension allowance, for the first payment following the effective date of this act only, in an amount to be determined by and equal to the total sum of pension allowance granted said person pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, during the period between July 1, 1947 and the effective date of this act: *Provided*, That the actual payment of the increase herein granted shall be reduced by an amount to be determined by and equivalent to any pension payments previously made during the period between July 1, 1947 and the effective date of this act.

Severability.

SEC. 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 4. Section 49, chapter 80, Laws of 1947, section 22, chapter 274, Laws of 1955 and RCW 41.32.490 are each repealed.

Emergency.

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

Passed the Senate January 21, 1959.

Passed the House January 23, 1959.

Approved by the Governor January 27, 1959.

CHAPTER 8.

[S. B. 171.]

STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; reenacting section 5, chapter 244, Laws of 1955, and RCW 43.43.265 relating to recomputation of retirement allowances and declaring an emergency.

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

SECTION 1. Section 5, chapter 244, Laws of 1955 and RCW 43.43.265 are both reenacted as follows:

RCW 43.43.265 reenacted. Recomputation of average final salary.

The average final salary of members now retired shall be recomputed in accordance with RCW 43.43-.120 (14) and from the effective date of this act the retirement allowance of such members shall be paid under RCW 43.43.260 upon the basis of the average final salary as recomputed.

SEC. 2. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act.

Construction.

SEC. 3. If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to any other persons or circumstances is not affected.

Severability.

SEC. 4. 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.

Emergency.

Passed the Senate January 26, 1959.

Passed the House January 27, 1959.

Approved by the Governor January 29, 1959.

CHAPTER 9.

[S. B. 225.]

VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; providing that the payment for disability or retirement shall be computed in accordance with the last act enacted; adding a new section to chapter 41.24 RCW, and declaring an emergency.

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

New section.

SECTION 1. A new section is hereby added to chapter 41.24 RCW to read as follows:

Computing payments under chapter 41.24 RCW.

Payments to persons who are now receiving, or who may hereafter receive any disability or retirement payments under the provisions of chapter 41.24 RCW shall be computed in accordance with the last act enacted by the legislature relative thereto: *Provided however,* That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951.

Construction.

SEC. 2. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as part of this act.

Emergency.

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

Passed the Senate January 28, 1959.

Passed the House January 29, 1959.

Approved by the Governor January 30, 1959.

CHAPTER 10.

[H. B. 234.]

APPROPRIATION—LEGISLATIVE BILL DRAFTING.

AN ACT relating to the statute law committee; making an appropriation; 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, for the permanent statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries and wages, the sum of thirty thousand dollars, or as much thereof as is necessary to pay the additional cost of preparing and drafting bills for the legislature. 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. Emergency.

Passed the House January 26, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

CHAPTER 11.

[H. B. 39.]

MOTOR VEHICLES—STAGGERED REGISTRATION.

AN ACT relating to motor vehicles; deferring the effective date of chapter 261, Laws of 1957, pertaining to a staggered registration system of licensing and staggered payment of the excise tax thereon to January 1, 1962; and declaring an emergency.

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

SECTION 1. Sections 1, 2, 3, 4 and 5, chapter 261, Laws of 1957, and RCW 46.16.400, 46.16.410, 46.16.420, 46.16.430, and 46.16.440 shall not take effect Effective date,
RCW 46.16.400-
46.16.440.

until January 1, 1962 unless previously amended or repealed.

Emergency.

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 January 21, 1959.

Passed the Senate January 28, 1959.

Approved by the Governor January 30, 1959.

CHAPTER 12.

[H. B. 4.]

PRIVATE CORPORATIONS—POWERS—VALIDATION.

AN ACT relating to private corporations; amending section 2, chapter 170, Laws of 1949 and RCW 23.01.350; amending section 16, chapter 70, Laws of 1937 and RCW 23.52.030; amending sections 8 and 11, chapter 19, Laws of 1913 as last amended by section 1, chapter 258, Laws of 1953, and RCW 23.86.110 and 23.86.140; amending section 1, chapter 19, Laws of 1895 as amended by section 2, chapter 63, Laws of 1925, extraordinary session, and RCW 24.08.900; and repealing section 1, chapter 132, Laws of 1903 (uncodified).

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

1949 c 170 § 2,
RCW 23.01.350,
amended.

SECTION 1. Section 2, chapter 170, Laws of 1949 is added to chapter 185, Laws of 1933 and numbered 32¾ thereof, and such section and RCW 23.01.350 are each amended to read as follows:

Penalty.

For every violation of RCW 23.01.340 a corporation shall be liable to the state in a fine not exceeding twenty-five dollars.

RCW 23.52.030
amended.

SEC. 2. Section 16, chapter 70, Laws of 1937 and RCW 23.52.030 are each amended to read as follows:

Any corporation incorporated under the laws of any state or territory in the United States, or of any foreign country, state, or colony, for any of the pur-

poses for which domestic corporations are authorized to be formed under the laws of this state, shall have full power and is hereby authorized to sue and to be sued in any court having competent jurisdiction, to acquire, purchase, hold, mortgage, sell, convey, or otherwise dispose of, in the corporate name, all real estate or personal property necessary or convenient to carry into effect the objects and purposes of its corporation, and also any interest in real estate, by mortgage or otherwise due to or loans made by such foreign corporations within the boundaries of this state, either prior to or after the passage of this act, and generally do and perform every act and transact every kind of business within this state in the same manner and to the same extent as corporations incorporated and organized under the laws of this state are authorized to do under the laws of this state: *Provided*, That such corporation shall first qualify so to do by doing all of the things required in this act: *Provided, further*, That this chapter shall not be so construed as to allow such foreign corporation to transact business within the state on more favorable conditions than are prescribed by law for a similar corporation organized under the laws of this state.

General grant of powers to foreign corporations.

SEC. 3. Sections 8 and 11, chapter 19, Laws of 1913 as last amended by section 1, chapter 258, Laws of 1953 (heretofore divided, combined and codified as RCW 23.86.110 and 23.86.140) are amended to read as set forth in sections 4 and 5 of this act.

SEC. 4. (RCW 23.86.110) Certificates of stock shall not be issued to any subscriber until fully paid for, but the bylaws of the association may allow subscribers to vote as stockholders if one-fifth of the subscription has been paid for.

RCW 23.86.110 enacted without amendment.

No stockholder in any such association shall own more than one-fifth of the stock of the association. For the purpose of equalizing the stock ownership of its stockholders any such association may from time

to time purchase stock from any stockholder. Such association may also purchase the stock of any stockholder who ceases to produce for the association any of the commodities in which it deals. Payment for any stock purchased may be made out of any available funds whether surplus or not.

No stockholder at any meeting shall be entitled to more than one vote.

RCW 23.86.140
amended.
Stock—Issues
—Held in
trust, when.

SEC. 5. (RCW 23.86.140) In case the cash value of such stock or interest so purchased exceeds one-fifth of the par value of the purchasing association, the trustees of the purchasing association are authorized to hold the shares in excess of one-fifth of the par value of the purchasing association, in trust for the vendor and dispose of the same to such person or persons and within such time as may be mutually agreed upon by the parties in interest, and shall pay the proceeds thereof as currently received to the former owners thereof.

RCW 24.08.900
amended.

SEC. 6. Section 1, chapter 19, Laws of 1895 as amended by section 2, chapter 63, Laws of 1925, extraordinary session, and RCW 24.08.900 are each amended to read as follows:

Validation of
defective
articles.

All instruments purporting to be articles of incorporation for a college, seminary, church, library, or benevolent, charitable, or scientific society, or fraternal society, heretofore or hereafter made and executed in accordance with the provisions of chapters 24.08 or 24.20 RCW; or which now comply therewith, except that the same have been acknowledged before an officer authorized by law to take the acknowledgment of deeds, and have not been sworn to by the trustees as by said laws required, or have been filed with the auditor of the county where the chief place of business of the corporation so purporting to be formed is located, instead of being recorded as by said laws required, or which are defective in both said respects, are hereby declared to be, and

are hereby made to be, good and valid articles of incorporation; and the corporations formed, or attempted to be formed by virtue of said articles of incorporation, are hereby declared to be, and are hereby made, good and valid, and existing corporations, with the same and as full powers, rights and liabilities as they would have had if the said articles of incorporation had been executed and recorded as by law required, and that all acts, deeds, and proceedings had or done by said corporations, or under said articles of incorporation, and all rights acquired as to both real and personal property, and all obligations of every kind incurred by such corporations, are hereby made of the same force, effect and validity as if said articles of incorporation had been executed as required by law.

SEC. 7. Section 1, chapter 132, Laws of 1903 (uncodified) is hereby repealed. Repeal.

SEC. 8. This act shall not be construed as invalidating any proceedings heretofore conducted in conformity with the provisions of any prior law then in effect. Savings.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

The Statute Law Committee in reviewing Title 23 of the Revised Code of Washington has noted certain deficiencies, conflicts, obsolete provisions and/or requirements for reorganization in this Title. This bill is presented by authority of chapter 1.08 RCW, for the purpose of correcting these discrepancies.

Section 1. 1939 c 143 sec. 13 added to the 1933 business corporations act a new section relating to "Filing statement of directors and officers—Service of process on failure." Such section is codified as RCW 23.01.340. The 1939 section was amended by section 1 of a two section 1949 act (1949 c 170). Section 2 of the 1949 act (The section herein proposed for amendment) consisted of new matter, imposing a penalty "For every violation of this section", but was not expressly added either to the basic 1933 corporations act or to the 1939 act. What was apparently intended was to provide a penalty "For every violation of" 1949 c 170 sec. 1 (RCW 23.01.340). As it now stands, 1949 c 170 sec. 2 is without meaning, for it merely provides a penalty without stating the gravamen

Explanatory
note.

of the offense. The purpose of this correction is to add 1949 c 170 sec. 2 to the basic 1933 corporations act and to relate it to the preceding section, 1949 c 170 sec. 1.

Sec. 2. 1937 c 70 sec. 16 was divided by the 1941 Code Committee into two RCW sections; 23.08.110—Allen ownership of stock, and 23.52.030—General grant of powers to foreign corporations.

1953 c 10 sec. 3 repealed RCW 23.08.110 "as derived from 1937 c 70 sec. 16" but made no mention of the other portion of the session law section codified as RCW 23.52.030. In the course of its review of Title 23, the Statute Law Committee has restored to RCW 23.52.030, the whole of 1937 c 70 sec. 16 including the last proviso from which the repealed section was derived. The instant amendment amends 1937 c 70 sec. 16 and RCW 23.52.030 by deleting the last proviso therefrom and thus curing any possible defect arising from the repeal in 1953 of less than the whole of the session law section.

The 1953 repeal was apparently predicated upon the adoption of constitutional amendment No. 29, and the subsequent enactment of chapters 9, 10 and 11, Laws of 1953.

Secs. 3, 4 and 5. The 1941 Code Committee divided and codified 1913 c 19 sec. 11 as follows: (1) All except the last sentence, as RCW 23.86.140; (2) The last sentence was rewritten and codified as the first paragraph of RCW 23.86.110 (the remainder of RCW 23.86.110 being 1913 c 19 sec. 8 as amended).

1953 c 258 sec. 1 amended RCW 23.86.110 "as derived from section 8 and section 11, chapter 19, Laws of 1913 . . ." but made no mention of the other portion of section 11 codified as RCW 23.86.140. In the course of its review of Title 23, the Statute Law Committee has restored to RCW 23.86.140, the whole of 1913 c 19 sec. 11 including the last sentence previously codified as part of RCW 23.86.110. The instant amendment ratifies the 1953 amendment by reenacting the last sentence of 1913 c 19 sec. 11 as a part of RCW 23.86.110 and deleting it from RCW 23.86.140, and thus curing any possible defect arising from the amendment in 1953 of less than the whole of the session law section (1913 c 19 sec. 11).

Sec. 6. This validating section as enacted in 1895 expressly related to attempted organizations under the Code 1881, secs. 2450-2454 (chapter 24.08 RCW). Subsequent compilers published 1903 p 118 secs. 1-4 in the position formerly occupied by sec. 2452 and rewrote the reference to read "in accordance with the foregoing provisions of this chapter"; "this chapter" then being Code 1881 sec. 2450, 2451, 1903 p 118 secs. 1-4, and Code 1881 secs. 2453, 2454. This distortion was ratified by the legislature when the section was amended by 1925 extraordinary session c 63 sec. 2. The Statute Law Committee has restored Code 1881 sec. 2452, codifying it as RCW 24.08.025. The 1903 act is codified as chapter 24.20. The instant amendment clearly renders the validating provisions effectual as to organizational proceedings attempted under either chapter 24.08 or 24.20.

Sec 7. Section 1, chapter 132, Laws of 1903, hereby repealed, prescribed the form and contents of acknowledgments by corporations. Its provisions are almost precisely repeated in 1929 c 33 sec. 14 (RCW 64.08.070), the 1929 act being a comprehensive revision of the acknowledgment laws which was prepared and introduced by the joint committee on revision laws. The reviser's notes appended to the 1921 printed bill (SB No. 11) indicate that the source of section 14 is 1903 c 132 sec. 1.

CHAPTER 13.

[H. B. 5.]

STATE HISTORICAL SOCIETY—OBSOLETE
LAWS REPEALED.

AN ACT relating to the Washington state historical society and repealing section 4, chapter 177, Laws of 1903 (uncodified) and chapter 242, Laws of 1909 (uncodified).

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

SECTION 1. Section 4, chapter 177, Laws of 1903 Repeal.
(uncodified) and chapter 242, Laws of 1909 (uncodified) are each repealed.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

The Statute Law Committee in reviewing Title 27 of the Revised Code of Washington has noted certain obsolete provisions therein. This bill is presented by authority of chapter 1.08 RCW, for the purpose of repealing such provisions.

Section 1. (1) Chapter 177, Laws of 1903 is a four section act "relating to the Washington State Historical Society; creating it the trustee of the state for certain purposes." 1903 c 177 § 4 provides "That no part of the moneys hereinafter appropriated shall be paid to any officer of said Historical Society or to any employee thereof, as salary or compensation for services." Section 5 of 1903 bill, the appropriation section, was deleted prior to enactment. Section 4 was thus probably void at its inception and in any event such appropriation has long since expired.

(2) Chapter 242, Laws of 1909 provided for the construction of a state historical building in Tacoma, an appropriation therefor, and a temporary commission to supervise the project. RRS codified §§ 1 and 2 of the act with the footnote "This act is largely temporary in its nature and the last six sections are omitted for that reason." The 1941 Code Committee omitted the entire act from RCW. It appearing that no portion of the act has any continuing application, its repeal is recommended.

CHAPTER 14.

[H. B. 6.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; and amending section 32.08.150, chapter 13, Laws of 1955, as amended by section 3, chapter 80, Laws of 1957, and RCW 32.08.150.

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

RCW 32.08.150 amended.

SECTION 1. Section 32.08.150, chapter 13, Laws of 1955, as amended by section 3, chapter 80, Laws of 1957, and RCW 32.08.150 are each amended to read as follows:

Merchandising—Exchange—Certificates of deposit.

(1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such banks shall not, nor shall any officer thereof in his attendance upon the business of such bank, in any manner buy or sell exchange on other banks or bankers or buy or sell gold or silver except as in this title expressly authorized.

(3) Such banks shall not make or issue any certificate of deposit payable either on demand or at a fixed day.

Note: See also section 1, chapter 41, Laws of 1959.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

The mutual savings bank act, Title 32 RCW was reenacted by chapter 13, Laws of 1955 (H. B. No. 9)

The original bill contained the words "on other banks . . ." as used in the predecessor act (1915 c 175 sec. 13), but this language was erroneously enrolled in 1955 to read "on credit banks . . ." This erroneous language was reenacted in 1957 when this section was amended in another respect; see 1957 c 80 sec. 3.

The error was compounded in the 1957 supplement to RCW wherein the words of 1957 act "on credit banks" were printed as "or credit banks".

The instant bill corrects this section to read in accordance with the bill introduced in 1955 (H. B. No. 9).

CHAPTER 15.

[H. B. 7.]

COUNTIES, CITIES, SCHOOL DISTRICTS—
TEMPORARY FUNDS FOR EXPENSES.

AN ACT relating to the authorization of counties, cities, towns and school districts to provide temporary funds for current expenses, in anticipation of revenue, and repealing chapter 116, Laws of 1895 and RCW 39.68.010 through 39.68.110.

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

SECTION 1. Chapter 116, Laws of 1895 and RCW 39.68.010 through 39.68.110 are each repealed. Repeal.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

This chapter (1895 c 116) provides a device whereby a county, city, town, or school district may obtain temporary funds for current expenses through loans evidenced by notes and warrants to be repaid from anticipated revenue.

The 1895 act was repealed by 1897 c 118 sec. 257, being the school code of 1897, but the title thereof omitted mention of this repeal. The 1895 act was retained by former compilations "as in force at least as applicable to all corporations except school districts" (see foot note following RRS sec. 5624).

The 1895 act was omitted from RCW by the 1941 Code Committee, whose reviser's note states:

" . . . Whatever may be said as a matter of construction, the fact is that the act of 1895 has not been operative to our knowledge for more than thirty years. Generally the popular acceptance of the situation has been to regard the act as repealed, or at least obsolete."

The Statute Law Committee, in republication of Title 39 (Supp. 6/1/58) has restored the 1895 act publishing it as chapter 39.68, but in view of its non-use over a period of years which has been corroborated by the division of municipal corporations, recommends its repeal.

CHAPTER 16.

[H. B. 8.]

TOWNSHIPS—POWERS AND CHARGES.

AN ACT relating to townships; repealing and reenacting section 19, chapter 175, Laws of 1895, section 1, chapter 226, Laws of 1941, section 84, chapter 175, Laws of 1895, section 1, chapter 165, Laws of 1953, and section 1, chapter 166, Laws of 1953 (RCW 45.12.100, 45.56.010 and 45.56.030); repealing and reenacting section 18, chapter 175, Laws of 1895 (RCW 45.12.090); and declaring an emergency.

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

RCW 45.12.100, 45.56.010 and 45.56.030, repealed, re-enacted.

SECTION 1. Section 19, chapter 175, Laws of 1895, section 1, chapter 226, Laws of 1941 and section 84, chapter 175, Laws of 1895, section 1, chapter 165, Laws of 1953 and section 1, chapter 166, Laws of 1953 (heretofore divided, combined and codified in RCW 45.12.100, 45.56.010 and 45.56.030) are repealed and reenacted as set forth in sections 2, 3 and 4 of this act.

RCW 45.12.100. Powers of electors at town meetings.

SEC. 2. (RCW 45.12.100) The electors of each town shall have power, at their annual town meeting:

(1) To determine the number of poundmasters, and location of pounds.

(2) To select such town officers as are required to be chosen.

(3) To direct the institution or defense of actions in all controversies where the town is interested.

(4) To direct such sums to be raised in the town for prosecuting or defending such actions as they may deem necessary.

(5) To make all rules and regulations for ascertaining the sufficiency of fences in the town and for impounding animals.

(6) To determine the time and manner in which certain domestic animals, including dogs, may be permitted to go at large.

(7) To impose such penalties on persons offending against any rules and regulations established by the town, except such as relate to the keeping and maintaining of fences, as they think proper not exceeding ten dollars for each offense, unless herein otherwise provided.

(8) To apply such penalties, when collected, in such manner as they may deem conducive to the interests of the town.

(9) To vote to raise such sums of money as they deem necessary for the purchase, repair, maintenance, and operation of snow plows or snow removing equipment, appliances for the prevention of highway dust or debris, and highway lighting, all in cooperation with the state and county authorities.

(10) To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise a tax for payment thereon and to establish rules for the care and management thereof.

(11) To make such bylaws and regulations as may be deemed conducive to the peace, good order and welfare of the town; to license, tax, regulate and control dogs, hawkers, peddlers, auctioneers, shows, theatricals, circuses, lawful games, merry-go-rounds, ferris wheels, or other amusement devices or places of amusement.

(12) To vote to levy a tax in such amount as in their judgment is necessary or advisable, but not to exceed four mills upon all taxable property in such townships, for the purpose of creating a fund to be known as river improvement fund.

SEC. 3. (RCW 45.56.010) The following shall be deemed town charges:

RCW 45.56.010.
What are
town charges.

(1) The compensation of town officers for services rendered their respective towns.

(2) Contingent expenses necessarily incurred for the use and benefit of the town.

(3) The moneys authorized to be raised by the vote of the town meeting for any town purpose.

(4) Every sum directed by law to be raised for any town purpose.

RCW 45.56.030.
Limits of
tax levy.

SEC. 4. (RCW 45.56.030) To defray the town charges, the electors of each township may, at their annual township meeting, vote to raise such sums of money as they deem necessary, not to exceed two mills, in any township having a population of less than five thousand inhabitants as shown by the last official United States census, and not to exceed five mills, in any township having a population of five thousand or more inhabitants, as shown by such census, on the assessed value of the taxable property in the township, according to the last previous assessment: *Provided, however,* That no township, in determining the sums of money necessary for township charges, shall retain an unbudgeted cash balance in excess of a sum equal to the proceeds of a two mill levy against the assessed valuation of the town.

RCW 45.12.090,
repealed,
reenacted.

SEC. 5. Section 18, chapter 175, Laws of 1895 and RCW 45.12.090 are repealed and reenacted to read as follows:

Supervisors,
fence viewers.

The supervisors elected in every town are, by virtue of their office, fence viewers of such town.

Emergency.

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.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory
note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Sections 1 through 4. 1919 c 175 sec. 19 (as amended), 1919 c 175 sec. 84 and 1941 c 226 sec. 1 (as amended) were combined and divided into RCW 45.12.100, 45.56.010 and 45.56.030. RCW 45.12.100 and 45.56.030 were subsequently amended by 1953 c 165 sec. 1 and 1953 c 166 sec. 1, respectively.

The Statute Law Committee in reviewing Title 45 of the Revised Code of Washington has noted this instance where session law sections have been divided and combined into two or more RCW sections and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law sections. This bill is designed to reenact such RCW sections, thereby ratifying the division and combination of the session law sections and correcting any possible defect arising from the former amendment of less than the whole session law sections.

Explanatory
note.

In all sections the RCW language (which conforms to session law language for the most part) is used as the basic language.

Sec. 5. The title of chapter 47, Laws of 1909 and the amendatory phrase for sec. 3, thereof purportedly amended 1895 c 175 sec. 18 while the session law section set out (as provided in the Constitution, Art. 2, sec. 37) was 1895 c 175 sec. 19. To cure this manifest clerical error, sec. 19 as subsequently amended is reenacted as sec. 2 of this bill and sec. 18 is reenacted as sec. 5.

CHAPTER 17.

[H. B. 9.]

PORT DISTRICT COMMISSIONERS.

AN ACT relating to port districts; repealing and reenacting in revised form section 3, chapter 92, Laws of 1911, section 2, chapter 62, Laws of 1913, section 2, chapter 69, Laws of 1951 and sections 1 and 2, chapter 198, Laws of 1953, codifying said sections as RCW 53.04.060, 53.12.010, 53.12.020, 53.12.050, 53.04.070, 53.12.040, 53.12.150, 53.12.140, 53.12.120, 53.12.130, and 53.08.210; and declaring an emergency.

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

SECTION 1. Section 3, chapter 92, Laws of 1911, section 2, chapter 62, Laws of 1913, section 2, chapter 69, Laws of 1951 and sections 1 and 2, chapter 198, Laws of 1953, are repealed and reenacted as herein revised and set forth in sections 2 through 12 of this act.

Session laws,
repealed,
reenacted.

SEC. 2. (RCW 53.04.060) Within five days after an election held under the provisions of RCW 53.04-.020, the board of county commissioners shall canvass the returns, and if at such election a majority of the voters voting upon the proposition shall vote in favor of the formation of the district, the board of county commissioners shall so declare in its canvass of the returns of such election, and the port district shall then be and become a municipal corporation of the

RCW 53.04.060.
Returns can-
vassed—Port
established.

state of Washington and the name of such port district shall be "Port of" (inserting the name appearing on the ballot).

RCW 53.12.010.
Port commis-
sion—Mem-
bers.

SEC. 3. (RCW 53.12.010) The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is coextensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having commissioners at large as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

RCW 53.12.020.
Port commis-
sioner—Quali-
fications.

SEC. 4. (RCW 53.12.020) No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, a freeholder within such port district, and is and has been a resident for a period of three years, of the commissioner district from which he is elected: *Provided*, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120.

Note: See also section 1, chapter 175, Laws of 1959.

RCW 53.12.050.
First com-
missioners—
Election.

SEC. 5. (RCW 53.12.050) At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three commissioners shall be elected to hold office as provided by law. All candidates shall be voted upon by the entire port district.

RCW 53.04.070.

SEC. 6. (RCW 53.04.070) All expenses of elections for the formation of such port districts shall be paid

by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed.

Election
expenses—
Repayment.

SEC. 7. (RCW 53.12.040) Except as provided in RCW 53.12.030, port commissioners shall be nominated by petition signed by one hundred electors of the commissioner district in which the candidate is a resident.

RCW 53.12.040.
Nomination
by petition.

Note: See also section 2, chapter 175, Laws of 1959.

SEC. 8. (RCW 53.12.150) In the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners. In the event that such ad interim appointment shall not be made by the remaining commissioners within fifteen days following the occurrence of the vacancy, the appointment shall be made by the judge of the superior court of the county, and if there is more than one such judge, by such judge who is oldest in years: *Provided*, That if there be more than three such judges, the appointment shall be made by the three persons holding such office who are the oldest in service therein (in determining seniority, the oldest in years being hereby designated where length of service is equal), and if any one or more of those herein designated shall be unable or shall decline to act, the three shall be made up from the one or more next in seniority of service who are able to act and do not decline. Of the three persons so designated, the appointment made in writing by any two shall be valid.

RCW 53.12.150.
Commissioner
vacancies—
How filled.

If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, a special election shall be called to fill the same, by the remainder, or, that failing, by the board of county

commissioners of the county, such election to be held not more than forty days after the occurring of such vacancies.

Note: See also section 8, chapter 175, Laws of 1959.

RCW 53.12.140.
Commissioner
vacancies—
How caused.

SEC. 9. (RCW 53.12.140) A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty.

RCW 53.12.120.
Additional
commissioners
on population
increase.

SEC. 10. (RCW 53.12.120) In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after June 11, 1953, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of one commissioner from each of the three commissioner districts, and two commissioners elected at large. The two commissioners at large must have been residents of the district for three years and shall be nominated and elected at the same time and in the same manner as the other commissioners, except that their nomination petitions may be signed by electors residing in any part of the district and they shall be designated on their petitions and on the ballots as commissioners at large.

Commissioners
at large.

If the proposition is carried by a majority vote, then five days after the election the commission shall consist of five members.

Note: See also section 3, chapter 175, Laws of 1959.

RCW 53.12.130.

SEC. 11. (RCW 53.12.130) At the same general

election the names of the candidates for commissioners at large shall be printed on the ballot and voted on, but the election of commissioners at large shall be contingent upon the adoption of the proposition for a commission of five members. The two candidates for commissioners at large receiving the highest number of votes shall be elected, and shall take office five days from their election. The one receiving the highest number of votes shall hold office for six years from the first day of January next and the other shall hold office for four years from that date.

First commissioners at large
—Election—
Terms.

A successor to a commissioner at large whose term is about to expire, shall be elected at the general election next preceding such expiration, for a term of six years.

SEC. 12. (RCW 53.08.210) A majority of the persons holding the office of port commissioner at any time shall constitute a quorum of the port commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted unless there are in office at least a majority of the full number of commissioners fixed by law.

RCW 53.08.210.
Commission
quorum—
Transacting
business.

SEC. 13. 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.

Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

I. Introductory.

1913 c 62 § 2, [RRS § 9690], as originally enacted, was a long and complicated section combining provisions on the formation of port districts with provisions concerning the election of port commissioners. The 1941 Code Committee divided this section extensively, codifying

Explanatory
note.

part of it as two sections in the chapter on Formation, chapter 53.04, and the remainder as nine sections in the chapter on Commissioner Elections, chapter 53.12. Complicating matters further, three of these sections, RCW 53.12.040, 53.12.120 and 53.12.130, were subsequently amended by 1951 c 62 § 2 and 1953 c 198 §§ 1 and 2, respectively.

In the course of its restoration program, the Statute Law Committee restored 1913 c 62 § 2 in its entirety, codifying it as RCW 53.12.010 (6/1/58 supplement RCW). RCW 53.12.040, 53.12.120 and 53.12.130 also appear in the 6/1/58 supplement in the latest session law language. To eliminate the restored portions of 1913 c 62 § 2 which conflict with 53.12.040, 53.12.120 and 53.12.130, and to facilitate future amendment, the Statute Law Committee herein proposes the ratification of the division of 1913 c 62 § 2 into several sections as published by the 1941 Code Committee, but with the reenactment of the latest session law language in each such section. Certain portions of 1913 c 62 § 2 which have been superseded by later laws relating to port district elections, are omitted herefrom. A section by section commentary follows:

II. Section Comment.

Section 1. Legislative revision.

Section 2. (RCW 53.04.060) Source—1913 c 62 § 2, first sentence. “An election held under the provisions of RCW 53.04.020,” substituted for “such election” as the provisions on the formation election referred to are contained in 1913 c 62 § 1. (RCW 53.04.020). For the same reason “such” has been changed to “the” before “proposition”, “district” and “port”.

Section 3. (RCW 53.12.010) Source—1913 c 62 § 2, second and third sentences.

The last sentence of this section was added to make the section subject to the provisions on commissioners at large, originally a part of 1913 c 62 § 2 introduced by the phrase, “All the foregoing provisions of this section are subject to the following provisos:” The original provisions on commissioners at large were divided and codified by the 1941 Code Committee as RCW 53.12.120 and 53.12.130. These sections were subsequently amended by 1953 c 198.

Section 4. (RCW 53.12.020) Source—1913 c 62 § 2, fourth sentence. “except as hereinafter provided” deleted after “years” and “Provided, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120” added after “elected” since the division of 1913 c 62 § 2 renders the “hereinafter” reference inadequate. Fifth sentence, reading, “Port commissioners shall hold office for a term of three years and until their respective successors are elected and qualified, each term to commence on the second Monday in January following the election thereto.” omitted as superseded by RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Section 5. (RCW 53.12.050) Source—1913 c 62 § 2, sixth and seventh sentences.

Sixth sentence: “. . . Three commissioners shall be elected to hold office, respectively, for the term of one, two and three years.” revised to read “. . . Three commissioners shall be elected to hold office as provided by law.”, to reconcile this section with later enactments, RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Seventh sentence: material relating to terms of office deleted in view of conflicting later enactments, RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Section 6. (RCW 53.04.070) Source—1913 c 62 § 2, eighth sentence.

Section 7. (RCW 53.12.040) Source—1913 c 62 § 2, ninth sentence (to first proviso) as amended by 1951 c 69 § 2. The first proviso, reading “Provided, however, That there shall be no election

held on the first Saturday in December immediately following the creation of such port district:" is here omitted as obsolete in view of later enactments, see RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Explanatory
note.

- Section 8. (RCW 53.12.150) Source—1913 c 62 § 2, ninth sentence (second proviso) and tenth through twelfth sentences.
- Section 9. (RCW 53.12.140) Source—1913 c 62 § 2, thirteenth sentence.
- Section 10. (RCW 53.12.120) Source—1913 c 62 § 2, fourteenth through eighteenth sentences, as amended by 1953 c 198 § 1.
- Section 11. (RCW 53.12.130) Source—1913 c 62 § 2, nineteenth through twenty-first sentences, as amended by 1953 c 198 § 2.
- Section 12. (RCW 53.08.210) Source—1913 c 62 § 2, last sentence.
This sentence was not codified by the 1941 Code Committee.

CHAPTER 18.

[H. B. 10.]

WATER DISTRICTS—COMMISSIONERS—ELECTIONS— LOCAL IMPROVEMENTS—ANNEXATION.

AN ACT relating to water districts; amending section 7, chapter 114, Laws of 1929, as amended by section 2, chapter 50, Laws of 1945 and RCW 57.12.010; repealing and reenacting section 6, chapter 114, Laws of 1929, section 1, chapter 72, Laws of 1931, section 1, chapter 50, Laws of 1945, section 1, chapter 216, Laws of 1947, and section 4, chapter 251, Laws of 1953, (RCW 57.12.020 and 57.12.030); repealing and reenacting section 10, chapter 114, Laws of 1929, section 1, chapter 177, Laws of 1937, section 2, chapter 128, Laws of 1939, sections 1 and 2, chapter 112, Laws of 1951, sections 1 and 2, chapter 25, Laws of 1951 second extraordinary session, and sections 5, 6 and 7, chapter 251, Laws of 1953, (RCW 57.16.010, 57.16.020, 57.16.030 and 57.16.040); repealing and reenacting section 12, chapter 114, Laws of 1929, and sections 14 and 15, chapter 251, Laws of 1953, (RCW 57.16.060, 57.16.070 and 57.16.080); repealing and reenacting section 15, chapter 114, Laws of 1929, section 5, chapter 72, Laws of 1931, and section 5, chapter 25, Laws of 1951 second extraordinary session, (RCW 57.24.010 and 57.24.020); and declaring an emergency.

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

SECTION 1. Section 7, chapter 114, Laws of 1929 as amended by section 2, chapter 50, Laws of 1945 and RCW 57.12.010 are each amended to read as follows:

RCW 57.12.010
amended.

Commissioners
~~—President~~
~~and secretary~~
~~—Compensa-~~
~~tion.~~

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 RCW 57.12.020 and 57.12.030 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.

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.

Each water district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding ten dollars 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 per mile.

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.

Note: See also section 5, chapter 108, Laws of 1959.

Session laws,
repealed,
reenacted.

SEC. 2. Section 6, chapter 114, Laws of 1929, section 1, chapter 72, Laws of 1931, section 1, chapter 50, Laws of 1945, section 1, chapter 216, Laws of 1947, and section 4, chapter 251, Laws of 1953 are repealed and reenacted as set forth in sections 3 and 4 of this act.

RCW 57.12.020.

SEC. 3. (RCW 57.12.020) Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall

be by petition of at least twenty-five of the qualified electors of the district, filed in the auditor's office of the county in which the district is located, at least thirty days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy on the board shall be filled by appointment by the remaining commissioners until the next regular election for commissioners: *Provided*, That if there is a vacancy of the entire board a new board may be appointed by the board of county commissioners.

Commissioners, nomination, declaration of candidacy, election law, vacancy—Qualification of voters.

Any person residing in the district who is a qualified voter under the laws of the state may vote at any district election.

SEC. 4. (RCW 57.12.030) 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 officers of registration of the city, town and territory embraced within said 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 duties enumerated under this act shall receive no additional compensation therefor.

RCW 57.12.030. Registration of voters—Conduct of elections—Expenses of election to form district—Commissioners, terms.

RCW 57.12.030.
 Registration
 of voters—
 Conduct of
 elections—
 Expenses of
 election to
 form district
 —Commis-
 sioners,
 terms.

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 insofar 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.

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six 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 years and until his successor has been elected and has qualified. All candidates shall be voted upon by the entire water district.

In any water district hereafter formed, three 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 shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for

the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two 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.

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 water district commissioners in each water district, one for a term of four years commencing December 1, 1946, in such commissioner district where the water district commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1945, and one 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 the provisions of chapter 50, Laws of 1945, 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 water district commissioner for a term of six years commencing December 1, 1948, in such commissioner district of each such water district where the commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, 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.

Session laws,
repealed,
reenacted.

SEC. 5. Section 10, chapter 114, Laws of 1929, section 1, chapter 177, Laws of 1937, section 2, chapter 128, Laws of 1939, sections 1 and 2, chapter 112, Laws of 1951, sections 1 and 2, chapter 25, Laws of 1951 second extraordinary session, and sections 5, 6 and 7, chapter 251, Laws of 1953, are repealed and reenacted as set forth in sections 6, 7, 8 and 9 of this act.

RCW 57.16.010.
Comprehen-
sive plan of
improvements.

SEC. 6. (RCW 57.16.010) It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purposes, the water district commissioners shall investigate the several portions and sections of such water district for the purpose of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor; and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district; there may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such

water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district and to determine the whole or such part of the cost and expenses to be paid from water revenue bonds as in this act provided. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

Note: See also section 6, chapter 108, Laws of 1959.

SEC. 7. (RCW 57.16.020) The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the forty mill tax limitation for the construction or any part or all of the comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon, at which such election the total number of persons voting shall constitute not less than forty percent of the total number of votes cast in said water district at the last preceding general state election. When the comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

RCW 57.16.020.
Vote on
general
indebtedness.

Note: See also section 7, chapter 108, Laws of 1959.

SEC. 8. (RCW 57.16.030) The commissioners may submit at any general or special election, a proposition that the district issue revenue bonds for the construction or other costs of any part or all of the plan. The amount of the bonds and the terms thereof shall be included in the proposition submitted.

RCW 57.16.030.
Election to
authorize
revenue bonds.

The proposition to issue such revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds

of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding coupon maturity date.

No proposition for the issuance of revenue bonds shall be submitted at any election if there are outstanding any district local improvement district bonds issued under the provisions of RCW 57.20.030 to 57.20.090, unless the proposition provides that all such local improvement district bonds shall be paid out of the proceeds of the sale of the revenue bonds.

The proposition for issuance of revenue bonds shall be adopted by a majority of the voters voting thereon. When a proposition has been adopted the commissioners may forthwith carry out the general plan to the extent specified.

Note: See also section 8, chapter 108, Laws of 1959.

RCW 57.16.040.
Additions and
betterments.

SEC. 9. (RCW 57.16.040) In the same manner as provided for the adoption of the original comprehensive plan, a plan providing for additions and betterments to the original plan may be adopted.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty mill limitation for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments in the same way revenue bonds may be issued for payment of the construction of the original compre-

hensive plan or any portion thereof. Revenue bonds for additions and betterments may be issued by the water commissioners without authorization of the voters of the district.

Note: See also section 9, chapter 108, Laws of 1959.

SEC. 10. Section 12, chapter 114, Laws of 1929, and sections 14 and 15, chapter 251, Laws of 1953 are repealed and reenacted as set forth in sections 11, 12 and 13 of this act.

Session laws repealed, reenacted.

SEC. 11. (RCW 57.16.060) Local improvement districts or utility local improvement districts to carry out the whole or any portion of the comprehensive plan of improvements or plan providing for additions and betterments to the original plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

RCW 57.16.060. Resolution or petition for district—Procedure—Improvement ordered—Divestment of power to order.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement

RCW 57.16.060.
 Resolution or
 petition for
 district—
 Procedure—
 Improvement
 ordered—
 Divestment of
 power to
 order.

requested to be ordered and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after the same has been filed with the board of water commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at

the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of water commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modification in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said

public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work 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 the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

RCW 57.16.070.
Hearing on
assessment
roll—Notice.

SEC. 12. (RCW 57.16.070) Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the commissioners on the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the water district is located. At the hearing, or any adjournment thereof, the com-

missioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

SEC. 13. (RCW 57.16.080) In the event that any portion of the system after its installation is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation then a local improvement district with boundaries which may include one or more existing local improvement districts may be created in the water district in the same manner as is provided herein for the creation of local improvement districts; that upon the organization of such a local improvement district as provided for in this paragraph the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the local improvement districts previously provided for in this act.

RCW 57.16.080.
Enlarged
district.

SEC. 14. Section 15, chapter 114, Laws of 1929, section 5, chapter 72, Laws of 1931, and section 5, chapter 25, Laws of 1951 second extraordinary session are repealed and reenacted to read as set forth in sections 15 and 16 of this act.

Session laws,
repealed,
reenacted.

SEC. 15. (RCW 57.24.010) The territory adjoining or in close proximity to and in the same county

RCW 57.24.010.

Annexation
authorized—
Petition—
Notice of
hearing.

with a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county auditor, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose he shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the auditor shall transmit it, together with his certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the board of county commissioners.

The county commissioners, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed in the county, and

in general circulation throughout the territory proposed to be annexed, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein, a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

SEC. 16. (RCW 57.24.020) When such petition is presented for hearing, the said board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the board of county commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition; and upon a final hearing the said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said board of county commissioners to the said water district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the said water district and so established by the said board of county commissioners: *Provided*, That no lands which will not, in the judgment of said board, be benefited by inclusion therein, shall be included within the boundaries of said territory as so established and defined: *And provided further*, That no change shall be made by the said board of county commissioners in the said boundary lines, including any territory outside of the boundary lines described in the petition: *Provided further*, That no person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the

RCW 57.24.020.
Hearing procedure—
Boundaries—
Election,
notice, judges.

RCW 57.24.020.
Hearing procedure—
Boundaries—
Election, notice, judges.

filing of the same with the board of water commissioners to said water district.

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said water district to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said water district for the purpose of determining whether the same shall be annexed to the said water district; and such notice shall particularly describe the boundaries established by the board of county commissioners on its final hearing of the said petition, and shall state the name of the water district to which the said territory is proposed to be annexed, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said water district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

For Annexation to Water District

or

Against Annexation to Water District

The said county commissioners shall name the persons to act as judges at such election.

SEC. 17. This act is necessary for the immediate Emergency.
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 January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

The Statute Law Committee in review of Title 57 of the Revised Code of Washington has noted several instances where a session law section has been divided into two or more RCW sections and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law section.

The purpose of this bill, with two exceptions, is to repeal and reenact the RCW and session law sections, thereby restoring the latest session law language and ratifying the division of the session law section into several code sections, thus curing any possible defect arising from the amendment of less than the whole session law section.

Section 1. 1929 c 114 § 7 as amended by 1945 c 50 § 2 contains an internal reference to "section 6 of this act", which latter section was divided by the 1941 Code Committee and subsequently amended in part thereby being the object of correction in sections 2 through 4 of this act. Section 6 is presently codified as RCW 57.12.020 and 57.12.030; hence a translation to these RCW numbers is herein made for clarification.

Sections 2 through 4. 1929 c 114 § 6, as amended by 1931 c 72 § 1, 1945 c 50 § 1 and 1947 c 216 § 1, was divided by the 1941 Code Committee into RCW 57.12.020, 57.12.030 and 57.12.040. RCW 57.12.020 was subsequently amended by 1953 c 251 § 4. The Statute Law Committee in its restoration program recombined these sections as RCW 57.12.020 and 57.12.030 and are herein so presented; RCW 57.12.040 is a memorial section only, hence, no action is here required. In section 4 reference was made in the original enactment to "section 5123 of Remington's Revised Statutes or any amendment thereto". The section referred to was repealed by 1933 c 1 § 31, and section 7 of the latter act covered the same subject matter. The latter section 7 was, however, in turn repealed by 1945 c 95 § 2. Existing election laws provide that registration books are open continuously. The obsolete reference and the language connected therewith, herein deleted, reads:

"And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officers 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]."
(Bracketed language deleted.)

Also in section 4, in the paragraph next to last, the language "but for the provisions of chapter 50, Laws of 1945" has been substituted for "but for this act [1945 c 50]" for clarification to distinguish from the words "this act" elsewhere used when referring to chapter 114, Laws of 1929.

Sections 5 through 9. 1929 c 114 § 10, as amended by 1937 c 177 § 11 and 1939 c 128 § 2, was divided by the 1941 Code Committee into RCW

Explanatory
note.

57.16.010, 57.16.020, 57.16.030 and 57.16.040. RCW 57.16.020 was subsequently amended by 1951 2nd ex.s. c 25 § 1 and 1953 c 251 § 5; RCW 57.16.030 was subsequently amended by 1951 c 112 § 1 and 1953 c 251 § 6; RCW 57.16.040 was subsequently amended by 1951 c 112 § 2, 1951 2nd ex.s. c 25 § 2 and 1953 c 251 § 7.

Sections 10 through 13. 1929 c 114 § 12 was divided by the 1941 Code Committee into RCW 57.16.060, 57.16.070 and 57.16.080. RCW 57.16.060 was subsequently amended by 1953 c 251 § 14 and RCW 57.16.070 by 1953 c 251 § 15.

Sections 14 through 16. 1929 c 114 § 15 as amended by 1931 c 72 § 5 was divided by the 1941 Code Committee into RCW 57.24.010, 57.24.020 and 57.24.030. RCW 57.24.010 was subsequently amended by 1951 2nd ex.s. c 25 § 5. The Statute Law Committee in its restoration program recombined these sections as RCW 57.24.010 and 57.24.020 and are herein so presented; RCW 57.24.030 is a memorial section only, hence no action is here required.

CHAPTER 19.

[H. B. 11.]

MORTGAGES—OBSOLETE LAWS REPEALED.

AN ACT relating to mortgages; repealing section 1986, Code of 1881, section 1, page 104, Laws of 1879, section 1, page 286, Laws of 1877, and section 1, page 43, Laws of 1875; and declaring an emergency.

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

Repeal.

SECTION 1. Section 1986, Code of 1881, section 1, page 104, Laws of 1879, section 1, page 286, Laws of 1877, and section 1, page 43, Laws of 1875 are each repealed.

Emergency.

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 January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory
note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Code of 1881 § 1986, and its precursors, is covered in subject matter by 1899 c 98 § 1, as amended by 1929 c 156 § 1, codified as RCW 61.04.010. The proposed repeal eliminates duplicity in the statutes and confirms the practice of many years.

CHAPTER 20.

[H. B. 12.]

SALES ON EXECUTION—OBSOLETE LAWS REPEALED.

AN ACT relating to executions on property and sales thereunder; repealing section 613, Code of 1881, section 567, page 146, Laws of 1869, and section 412, page 208, Laws of 1854; and declaring an emergency.

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

SECTION 1. Section 613, Code of 1881, section 567, page 146, Laws of 1869, and section 412, page 208, Laws of 1854 are each repealed. Repeal.

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. Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

Code of 1881 § 613 and its precursors is presently covered in subject matter by 1899 c 53 § 1 codified as RCW 61.12.090. *Dennis v. Moses*, 18 Wash. 537 declared that 1897 c 50 § 1 impliedly repealed Code of 1881 § 613. Subsequently the legislature enacted 1899 c 53 and expressly repealed the 1897 provisions. The proposed repeal preserves the current status of the law and bars any question of the revival of a prior law upon the repeal of an implied repealer.

CHAPTER 21.

[H. B. 13.]

ARSON—DISTURBING SETTLER'S PROPERTY.

AN ACT relating to crimes and punishments; repealing sections 2 and 3, page 71, Laws of 1883 (Approved November 26, 1883); and declaring an emergency.

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

Repeal.

SECTION 1. Sections 2 and 3, page 71, Laws of 1883 are each repealed.

Emergency.

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 January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

The provisions of 1883 p 71 § 2 is covered in subject matter by 1891 c 69 § 17 codified as RCW 9.61.080, and the provisions of 1883 p 71 § 3 is covered in subject matter by the provisions of the 1909 criminal code relating to arson codified in chapter 9.09 RCW. The proposal eliminates duplicity in the statutes and follows the treatment accorded over many years of practice.

CHAPTER 22.

[H. B. 14.]

SPORTING CONTESTS—FRAUD.

AN ACT relating to sporting contests and repealing section 1, chapter 181, Laws of 1941, and RCW 67.24.005.

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

SECTION 1. Section 1, chapter 181, Laws of 1941 and RCW 67.24.005 are each repealed. Repeal.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

Chapter 67.24 RCW consists of three sections reading as follows:

"67.24.005 Commission of, in certain contests, declared gross misdemeanor—1941 Act. Every person who shall give, offer, receive, or promise, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, or who shall fraudulently commit any act by trick, devise or bunco, with intent to influence or change the outcome of any boxing or wrestling match, horse race, fish derby or any other athletic or sporting contest, shall be guilty of a gross misdemeanor. [1941 c 181 § 1; Rem. Supp. 1941 § 2696-5.]

67.24.010 Commission of, declared felony—1945 Act. 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, devise 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 years. [1945 c 107 § 1; 1941 c 181 § 1; Rem. Supp. 1945 § 2499-1.]

67.24.020 Scope of 1945 Act. All of the acts and statutes in conflict herewith are hereby repealed except chapter 55, Laws of 1933 [chapters 43.50 and 67.16] and amendments thereto. [1945 c 107 § 2; Rem. Supp. 1945 § 2499-1 note.]"

RCW 67.24.005 enacted in 1941 appears to be superseded by RCW 67.24.010 and 67.24.020 enacted in 1945, hence its repeal is here recommended.

CHAPTER 23.

[H. B. 15.]

CEMETERIES—CEMETERY DISTRICTS—
HUMAN REMAINS.

AN ACT relating to cemeteries, cemetery districts, and human remains; amending section 2, chapter 123, Laws of 1891, as amended by section 2, chapter 224, Laws of 1953 and RCW 68.08.070; amending section 13, chapter 6, Laws of 1947, as amended by section 1, chapter 39, Laws of 1957 and RCW 68.16.130; repealing section 240, chapter 249, Laws of 1909; repealing sections 4 and 5, page 28, Laws of 1856-57; and declaring an emergency.

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

RCW 68.08.070 amended.

SECTION 1. Section 2, chapter 123, Laws of 1891, as amended by section 2, chapter 224, Laws of 1953 and RCW 68.08.070 are each amended to read as follows:

Bodies, when may be used for dissection.

Any sheriff, coroner, keeper or superintendent of a county poorhouse, public hospital, county jail, or state institution shall surrender the dead bodies of persons required to be buried at the public expense, to any physician or surgeon, to be by him used for the advancement of anatomical science, preference being given to medical schools in this state, for their use in the instruction of medical students. If the deceased person during his last sickness requested to be buried, or if within thirty days after his death some person claiming to be a relative or a responsible officer of a church organization with which the deceased at the time of his death was affiliated requires the body to be buried, his body shall be buried.

RCW 68.16.130 amended.

SEC. 2. Section 13, chapter 6, Laws of 1947, as amended by section 1, chapter 39, Laws of 1957 and RCW 68.16.130 are each amended to read as follows:

(1) A cemetery district organized under this chapter shall have power to acquire, establish, maintain, manage, improve and operate cemeteries and

conduct any and all of the businesses of a cemetery as defined in this title. A cemetery district shall constitute a cemetery authority as defined in this title and shall have and exercise all powers conferred thereby upon a cemetery authority and be subject to the provisions thereof.

Powers—
District may
embrace
certain cities
and towns.

(2) A cemetery district may include within its boundaries the lands embraced within the corporate limits of third class cities in counties of the fourth class, or within the corporate limits of fourth class towns in the classes of counties enumerated in RCW 68.16.010, and in any such cases the district may acquire any cemetery or cemeteries theretofore maintained and operated by any such city or town and proceed to maintain, manage, improve and operate the same under the provisions hereof. In such event the governing body of the city or town, after the transfer takes place, shall levy no cemetery tax. The power of eminent domain heretofore conferred shall not extend to the condemnation of existing cemeteries within the district.

SEC. 3. The following acts or parts of acts are each repealed: Repeal.

- (1) Section 240, chapter 249, Laws of 1909, and
- (2) Sections 4 and 5, page 28, Laws of 1856-57.

SEC. 4. 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. Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

Section 1. The underscored new matter is inserted to correct a manifest clerical error by way of omission. 1891 c 123 §2 contained such language as did prior compilations and the Revised Code of Washington. This section was amended by 1953 Senate Bill No. 439 which

Explanatory note.

inadvertently omitted the underscored language. This proposal restores such language since the sentence appears meaningless without it.

Section 2. The underscored matter in this section originally appeared in 1947 c 6 § 13 but such underscored language was combined by the 1941 Code Committee with 1947 c 6 § 12 to make up RCW 68.16.120, the remainder of 1947 c 6 § 13 being codified by such code committee as RCW 68.16.130. Based upon this codification, the 1957 legislature (1957 c 39) amended 1947 c 6 § 13 and RCW 68.16.130 but neither the original nor the printed bill (House Bill No. 119) contained the sentence in question nor indicated its deletion by enclosing it within deletion marks. The proposal restores such language as originally enacted thereby curing the inadvertent omission.

Section 3. (1) 1909 c 249 § 240 the section herein repealed in subdivision (1) reads as follows:

“Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand, or upon any pretended lien or charge; or who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation, shall be guilty of a misdemeanor.”

The subject matter of such section appears to be covered and superseded by subsequent enactments. See 1943 c 247 § 27 (RCW 68.08.120), 1943 c 247 § 25 (RCW 68.08.145), and 1943 c 247 § 36 (RCW 68.48.010).

(2) 1856-57 p 28 §§ 4 and 5 the sections herein repealed in subdivision (2) read as follows:

Sec. 4. “Every person who shall wilfully and maliciously destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, placed within any cemetery, grave yard, or place of public burial, or any fences, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully and maliciously destroy, remove, cut, break or injure any tree, shrub, or plant, within any cemetery or grave yard, shall be punished by fine, in any sum not exceeding one hundred dollars.”

Sec. 5. “Justices of the peace and judges of probate shall have cognizance of all offenses violating the provisions of this act.”

The subject matter of these sections appear to be covered and superseded by subsequent enactments. See 1943 c 247 §§ 36 and 37 (RCW 68.48.010 and 68.48.020).

The proposed repeals eliminates duplicitous statutes superseded by subsequent enactments.

CHAPTER 24.

[H. B. 17.]

FOREST PROTECTION AND PRESERVATION.

AN ACT relating to forests; repealing chapter 164, Laws of 1905 and chapter 114, Laws of 1903; and declaring an emergency.

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

SECTION 1. Chapter 164, Laws of 1905 and chapter 114, Laws of 1903 are each repealed. Repeal.

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. Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.) Explanatory note.

The session laws herein proposed for repeal contain subject matter which is covered by chapter 125, Laws of 1911 codified in chapter 76.04 RCW as amended. The title of the 1911 law stated that sections 2 through 12 of the 1905 law were repealed; however, the text of the 1911 law contained only a general repealer rather than a specific schedule. Only one section of the 1905 act has been judicially construed and that was section 12 which was held to be impliedly repealed by the 1911 act in *State v. Herdricks*, 68 Wash. 670. The remainder of the 1905 act is in same category and was so regarded by the 1911 legislature. Section 1 of the act, not referred to in the 1911 title, created a forest board since abolished by subsequent enactments. The inclusion of the 1903 act in the repeal proposed herein is merely to bar any possibility of revival by the repeal of a repealing act since the 1905 act repealed the 1903 law.

CHAPTER 25.

[H. B. 1.]

MENTAL ILLNESS AND INEBRIACY—
TITLE 71 RCW REENACTMENT.

AN ACT enacting Title 71 of the Revised Code of Washington relating to mental illness and inebriacy; providing penalties; repealing sections 1 through 7, pages 113 and 114, Laws of 1879; sections 1 through 4, pages 13 and 14, Laws of 1881; sections 1671 through 1677, chapter 113, Code 1881; sections 1, 6 and 7, pages 32 and 33, Laws of 1883; sections 416 and 417, chapter 249, Laws of 1909; chapter 105, Laws of 1915; chapter 109, Laws of 1915; chapter 145, Laws of 1923; chapter 42, Laws of 1939; chapter 179, Laws of 1947; sections 1 through 19, 21 through 51 and 53 through 69, chapter 198, Laws of 1949; sections 1 through 5, 17 through 39, and 51 through 64, chapter 139, Laws of 1951; chapter 223, Laws of 1951; chapter 24, Laws of 1957; chapter 26, Laws of 1957; chapter 28, Laws of 1957; chapter 35, Laws of 1957; chapter 49, Laws of 1957; and chapter 184, Laws of 1957; and declaring an emergency.

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

TITLE 71

MENTAL ILLNESS AND INEBRIACY

Chapter 71.02

MENTAL ILLNESS—COMMITMENT
PROCEDURE

SECTION 71.02.010 *Definitions.* As used in this chapter, the following terms shall have the following meanings:

“Mentally ill person” shall mean any person found to be suffering from psychosis or other disease impairing his mental health, and the symptoms of such disease are of a suicidal, homicidal, or incendiary nature, or of such nature which would render such person dangerous to his own life or to the lives or property of others.

“Patient” shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged

from a state hospital, or other facility, to which such person had been ordered hospitalized.

“Licensed physician” shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

“State hospital” shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

“Superintendent” shall mean the superintendent of a state hospital.

“Court” shall mean the superior court of the state of Washington.

“Department” shall mean the department of institutions.

“Resident” shall mean a resident of the state of Washington who has maintained his domiciliary residence within this state for a period of two years immediately preceding commitment.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

SEC. 71.02.020 *Construction of Chapter—Criminal Insane—“Insane” As Used in Other Statutes.* Nothing in this chapter shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions. Where the term “insane” is used in other statutes of this state its meaning shall be synonymous with mental illness as defined in this chapter.

SEC. 71.02.090 *Involuntary Patients—Application to Court for Hospitalization.* Any person may make application to the superior court for the county in which an alleged mentally ill person is found for the involuntary hospitalization of such person. Such application shall be made under oath and shall be to the

effect that there is in such county a mentally ill person who by reason of such mental illness is unsafe to be at large and requesting that such person be taken before the superior court for examination. Before accepting said application for filing, the same must be endorsed by the prosecuting attorney of said county where the court has not designated some other person to the effect that he or his deputy has personally examined the applicant, investigated the merits of the application and believes reasonable grounds exist for filing of same.

SEC. 71.02.100 *Application—Liability of Applicant.* Any person making or filing an application alleging a person to be mentally ill under the provisions of this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

SEC. 71.02.110 *Application—Probate Matter—Court Commissioners.* Applications for involuntary hospitalization shall be handled as a probate matter. Nothing in this chapter shall be construed as limiting or modifying the powers of the various court commissioners.

SEC. 71.02.120 *Application—Hearing Date—Detention Pending Hearing or Application.* Upon the filing of such application the court shall issue an order setting a date for hearing and examination. Such application may contain a statement to the effect that immediate apprehension and detention is necessary to safeguard the lives and property of the alleged mentally ill person or others. If such statement is contained in the application, the court shall issue an order of apprehension directing that the alleged mentally ill person be immediately apprehended and detained pending hearing and examination. The sheriff or other person as designated by the court, shall execute the order of apprehension.

In emergencies requiring immediate apprehension and restraint, or at times when superior courts are not open for business, any sheriff or other peace officer, may, when he shall have reasonable cause to believe any person is so mentally ill as to be unsafe to be at large, apprehend such person without warrant, wherever found, and detain him or her in suitable quarters until an application can be made as above provided.

Note: See also section 9, chapter 196, Laws of 1959.

SEC. 71.02.130 *Detention Wards, Counties—Use of Other Facilities, Cost—Examination of Patient, Duration.* There shall be set aside in each county of the state of Washington having a county hospital, such portions of such hospital as may be necessary for the detention and observation of those persons detained under the provisions of this chapter pending further proceedings. In each such hospital there shall be separate detention wards for males and females. The superior court may order the examination of such person by medical personnel for the purpose of obtaining testimony as to the alleged mentally ill person's condition. Such observation period shall not exceed sixty days unless a jury trial has been demanded: *Provided,* That in all counties having no county hospital, the court may designate as a detention ward the nearest state hospital for the mentally ill or such other place of detention and treatment as it may deem suitable for the purpose of this chapter, and the superintendents of the state hospitals for the mentally ill so designated shall admit such persons committed thereto in accordance with the provisions of this section: *Provided further,* That liability for the cost of detention and observation in a state hospital and responsibility for transportation to the hospital and return of the patient to the court shall be upon the county of the committing court.

Note: See also section 10, chapter 196, Laws of 1959.

SEC. 71.02.140 *Notice of Hearing—Service.* A copy of the application, notice of hearing, and order of apprehension shall be served upon the alleged mentally ill person by the sheriff or other person as designated by the court. The clerk of the court shall cause notice of hearing to be given to the guardian, spouse, or next of kin of the alleged mentally ill person, if known, and in that respective priority, unless such person shall have filed the original application. Such notice shall specify the name of the applicant, date of application, place of detention, and date, time, and place of hearing. Such notice shall also specify the alleged mentally ill person's right to trial by jury and right to be represented by counsel. Notice to the alleged mentally ill person may be eliminated if the court finds that the serving of such notice might be injurious to the health of such person and if a guardian ad litem is appointed.

SEC. 71.02.150 *Property of Patient—Safeguarding.* Any person apprehending an alleged mentally ill person under the provisions of this chapter shall take reasonable precautions to safeguard the property of such person. At any time after application has been filed the court may make such orders relative to such person's personal property as may seem necessary for his best interests, health and welfare, pending the appointment of a guardian of such person's estate.

SEC. 71.02.160 *Hearings—Time and Place—Privacy.* For the purpose of conducting hearings and examinations under this chapter, or chapter 72.23 RCW, court may be convened at any time and place within the limits of the county in which the court resides: *Provided,* That hearings and examinations under this chapter may be closed to the general public unless the guardian, attorney, or guardian ad litem representing the alleged mentally ill person

demands an open hearing as in other civil actions, or unless a jury is demanded.

SEC. 71.02.170 *Hearings—Evidence.* At the hearing on the application the court shall require the testimony of at least two licensed physicians, who shall have made a joint examination of the alleged mentally ill person, and who shall have filed with the court a written report of the facts and circumstances upon which their testimony is based. Such report shall contain a statement as to whether or not the person filed against is mentally ill. The person filed against, his guardian, relatives, or friends, or the court of its own motion, may summon or produce such witnesses and evidence as they may desire. At least two of the testifying physicians must have been appointed by the court for the purpose of examining the alleged mentally ill person.

SEC. 71.02.180 *Evidence — Subpoenas — Witness Fees.* Subpoenas may be issued to compel the attendance of witnesses or the production of evidence in the same manner as in civil cases: *Provided,* That such subpoenas shall be effective within the boundaries of the county of the issuing court. All witnesses shall be allowed witness fees as in criminal cases.

SEC. 71.02.190 *Hearing—Representation For Patient.* If no guardian of the person has been appointed, the court may appoint a guardian ad litem to represent the patient during proceedings. The person filed against shall have the right to be represented by an attorney if requested.

SEC. 71.02.200 *Hearing—Order of Hospitalization.* If the court shall find after hearing and examination that the person filed against is mentally ill, it shall enter an order directing the hospitalization of such person pursuant to section 71.02.240.

SEC. 71.02.210 *Jury Trial—Request For—Date, Detention Pending.* At commencement of hearing the person filed against, his guardian, attorney or guardian ad litem, may request a trial by jury. Such request shall be in writing and filed with the court accompanied by the required fee. The court shall then enter an order directing the alleged mentally ill person to be detained pending trial and shall set a date for such trial.

SEC. 71.02.220 *Jury Trial—Evidence—Order of Hospitalization.* Where trial is by jury the testimony and evidence required by section 71.02.170 shall be presented. After all the evidence is in the jury shall determine whether or not the person filed against is mentally ill. If the jury finds that such person is mentally ill the court shall enter an order directing the hospitalization of such person in accordance with section 71.02.240.

SEC. 71.02.230 *Expenses—By Whom Payable.* After a person has been found mentally ill under section 71.02.200, the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into the ability of the person's estate, or his spouse, parents or children, or any combination thereof, to pay the charges for transportation and hospitalization in a state hospital, detention pending proceedings, and court costs. If the court finds that the patient's estate or above named relatives, or combination thereof, are able to pay such charges or any part thereof, an order to such effect shall be entered. If the court finds that neither the patient's estate nor said relatives are able to pay the charge for transportation to and hospitalization in a state hospital, such costs shall be borne by the state of Washington. If the court finds that neither the patient's estate nor above relatives can pay charges for detention pending proceedings or court

costs, such costs shall be borne by the county. When a patient is a resident of another county, the committing county shall recover from the county of the patient's residence all costs and expenses of the patient's detention and commitment.

SEC. 71.02.240 *Order of Hospitalization or Custody—Inventory of Personal Effects.* Where a person is found to be mentally ill the court shall:

(1) Order a person hospitalized at a state hospital until released by the superintendent thereof; or

(2) Order such person hospitalized by the United States veterans' administration, or other agency of the United States government, where it appears that the mentally ill person is eligible for such treatment, and a certificate of eligibility has been obtained from the veterans' administration, or agency of the United States government, until released by such agency; or

(3) Order such person hospitalized at a private facility for the care and treatment of the mentally ill, where such facility is willing to accept such mentally ill person, until released by the chief officer thereof; or

(4) Where the mentally ill person is not dangerous to the lives or property of others, and is not dangerous to himself, the court may direct that custody of such person be given to such friends or relatives as are willing and able to care for him.

If ordered hospitalized all personal effects, including contents of trunks, boxes and other containers to be transferred with the patient, shall be inventoried by the sheriff or other person making the apprehension and a copy of said inventory shall be given to the representative of the hospital at the time of transfer of the patient.

SEC. 71.02.250 *Files Confidential—Record Entries.* All files in these cases shall be closed files subject to examination only on court order. Where a person is found mentally ill the clerk shall cause the

following facts to be noted in his probate docket: Name and age of such person, date of order of hospitalization, place of hospitalization, date of parole and date of discharge. Where a person is found not to be mentally ill the clerk shall cause such proceedings to be noted in an alphabetically arranged index, which index shall contain the following information: Name of person filed against, date of order dismissing proceedings, and probate cause number. This index shall be open to inspection only under court order. Nothing in this section shall be construed to prevent the forwarding of all case histories, physicians' reports, and other case data to the state hospital or other agency in which a mentally ill person may have been ordered hospitalized.

Note: See also section 1, chapter 51, Laws of 1959.

SEC. 71.02.260 *Alien Patients—Report.* Whenever any person shall be brought before the court for examination and hearing on application for involuntary hospitalization, the court shall, if such person is found mentally ill, inquire into the nationality of such person and may summon witnesses and require the production of documentary evidence for that purpose. If it shall appear that such person is an alien, the court shall cause the clerk to make out and transmit to the United States district director of immigration and naturalization in the state of Washington, and to the superintendent of the state hospital where such patient is to be hospitalized, a report showing the names and addresses of all witnesses who appeared and testified as to the nationality of the mentally ill person, a synopsis of the testimony of each witness and copies of documentary evidence tending to show the nationality found at the hearing.

SEC. 71.02.270 *Orders and Reports—Forms.* The report of medical testimony, order directing hospitalization, order directing payment of court costs, transportation and hospitalization charges, and order directing disposition or safeguarding of a mentally ill

person's property shall be entered on forms provided by the department.

SEC. 71.02.280 *Orders and Reports—Copies to Hospital—Inadequate Reports.* A copy of the medical report, order of hospitalization, and order directing payment of hospitalization charges shall be delivered with the patient to the superintendent of the state hospital or officer in charge of veterans' facility, wherein a patient is ordered hospitalized: *Provided, however,* That if said medical report is not filled out legibly and completely, giving essential information pertaining to the patient, the hospital may refuse admission of the patient.

SEC. 71.02.290 *Orders—Execution.* The department shall be charged with the execution of orders of hospitalization at state hospitals and orders directing payment of hospitalization charges at such hospitals, including the transportation of persons so hospitalized.

SEC. 71.02.300 *Jurisdiction of Court to Continue.* The court shall retain jurisdiction for the purpose of entering further appropriate orders until such time as a patient is certified as discharged.

SEC. 71.02.310 *Hospitalization Charges—Continuation of Responsibility, Existing Cases.* Patients' estates and relatives now responsible for the payment of maintenance charges upon the taking effect of this chapter shall remain so responsible hereunder.

SEC. 71.02.320 ————*Due Date — Collection.* Hospitalization charges are payable in advance on the first day of each calendar month, and the department may make all necessary rules and regulations relative to the billing and collection of such charges.

SEC. 71.02.330 ————*Modification of Order Requiring Payment.* The superior court may, upon petition, modify any existing order entered pursuant to section 71.02.230, where it is shown that the peti-

tioner is unable to continue payment of hospitalization charges. A hearing may be had on such petition in the nature of proceedings supplemental to execution in civil actions. Such petition must be served on the department at least ten days prior to hearing.

SEC. 71.02.340 ————*Modification of Order to Require Payment by Relative.* The department may apply for modification of any existing order where it is shown that there exists some relative within the classification set forth in section 71.02.230 who is able to pay hospitalization charges. Such relative must be served with notice of such petition in the same manner as summons is served in civil action.

SEC. 71.02.350 ————*Transportation charges—Collection.* The department shall have the right to collect hospitalization and transportation charges from a patient's estate or person legally responsible for the support of a patient without the entry of any order to such effect under section 71.02.230. If the person administering the patient's estate or the person responsible for the support of the patient is unable to pay such charges he shall petition the court for an order declaring such inability pursuant to section 71.02.330.

SEC. 71.02.360 ————*Collection — Statutes of Limitation.* No statutes of limitations shall run against the state of Washington for hospitalization charges: *Provided, however,* That periods of limitations for the filing of creditors' claims against probate and guardianship estates shall apply against such claims.

SEC. 71.02.370 ————*Collection—Prosecuting Attorneys to Assist.* The prosecuting attorneys of the various counties shall assist the department in the collection of hospitalization charges.

SEC. 71.02.380 ————*Criminally Insane — Liability.* Patients hospitalized at state hospitals as

criminally insane shall be responsible for payment of hospitalization charges unless an order is obtained pursuant to section 71.02.330.

SEC. 71.02.390 ————*Advance Remittances.* Advance remittances of such hospitalization charges may be held by the department in a suspense account for a period not to exceed ninety days in order to make prompt refunds in cases of overpayment. Moneys in such account shall be deposited in such bank or banks as the department may select, and any such depository shall furnish suitable surety bond or collateral for their safekeeping. Such funds shall be transmitted to the state treasurer for deposit in the general fund after being held for the above purpose.

SEC. 71.02.400 ————*Cancellation.* The department shall have authority to cancel accrued hospitalization charges to the extent of one hundred dollars or less, when a patient has deceased or has been discharged.

SEC. 71.02.410 ————*How Computed.* Charges for hospitalization of patients in state hospitals are to be based on the actual cost of operating such hospitals for the previous year, taking into consideration the overhead expense of operating the hospital and expense of maintenance and repair, including in both cases all salaries of supervision and management as well as material and equipment actually used or expended in operation as computed by the department. Costs of transportation shall be computed by the department.

SEC. 71.02.420 ————*Change in Rate.* The department may execute a change in rate for hospitalization charges upon the giving of sixty days' notice to the parties responsible for payment of such charges. Said notice may be mailed to the parties concerned.

SEC. 71.02.430 ————*Certification to Court.*
The department shall certify to the various superior courts the rate for hospitalization charges when executing a change in rate, including in said certification the effective date of such change.

SEC. 71.02.450 *State Hospitals—Allocation of Patients.* Persons found to be mentally ill by the courts of the various counties and in need of hospitalization at a state hospital shall be hospitalized at the following state hospitals: From the counties of Grays Harbor, Clark, Cowlitz, King, Kitsap, Lewis, Mason, Pacific, Pierce, Thurston and Wahkiakum, to the western state hospital; from the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman and Yakima, to the eastern state hospital; from the counties of Clallam, King, Island, Jefferson, San Juan, Skagit, Snohomish and Whatcom, to the northern state hospital: *Provided, however,* That whenever the department shall certify to the superior court of any county that the hospital above specified to receive mentally ill persons from such county is temporarily unable to care for additional patients, and shall designate one of the other hospitals, the court shall order patients hospitalized at such other hospital until further advised by the department: *And provided further,* That if it shall be made to appear to the satisfaction of the court ordering the hospitalization of a mentally ill person, upon the application of the guardian or attorney representing such person, that by reason of climatic conditions, the nature of the mental illness, or location of relatives, it would be to the best interest of the patient to be hospitalized at another state hospital, and such other hospital can accommodate said patient, the court may order such person hospitalized at such other state hospital.

SEC. 71.02.490 *Authority Over Patient—Federal Agencies, Private Establishments.* The United States veterans' administration, or other United States government agency, or the chief officer of a private facility shall have the same powers as are conferred upon the superintendent of a state hospital with reference to retention, transfer, parole, or discharge of mentally ill persons ordered hospitalized in their facilities.

SEC. 71.02.650 *Legal Competency—Effect of Application or Discharge—Examination Before Discharge.* Any person complained against in any application or proceedings started by virtue of the provisions of this chapter shall not forfeit or suffer any legal disability by the reason of the pendency of proceedings under this chapter, until an order declaring such person to be mentally ill has been entered. A person shall be presumed to be competent to manage his affairs when such person has been certified as discharged as recovered from a state hospital or other facility to which he has been hospitalized as a mentally ill person: *Provided, however,* Before any such discharge shall issue, the mentally ill person must have been examined by the superintendent of a state hospital, or person in charge of such other facility, within thirty days immediately preceding his discharge as recovered. The superintendent of a state hospital shall have authority to receive such persons for the above examination although a prior discharge has been issued.

SEC. 71.02.900 *Construction and Purpose.* The provisions of this chapter shall be liberally construed so that persons who are in need of care and treatment for mental illness shall receive humane care and treatment and be restored to normal mental condition as rapidly as possible with an avoidance of loss of civil rights where not necessary, and with as little formality as possible, still preserving all rights and

all privileges of the person as guaranteed by the Constitution.

Chapter 71.06

SEXUAL PSYCHOPATHS AND PSYCHOPATHIC DELINQUENTS

SEC. 71.06.010 *Definitions.* As used in this chapter, the following terms shall have the following meanings:

“Psychopathic personality” means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

“Sexual psychopath” means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

“Sex offense” means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

“Psychopathic delinquent” means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the mentally deficient

as a mentally deficient person, or to a state hospital as a mentally ill person.

“Minor” means any person under twenty-one years of age.

“Department” means department of institutions.

“Court” means the superior court of the state of Washington.

“Superintendent” means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

SEC. 71.06.020 *Sexual Psychopaths — Petition.* Where any person is charged in the superior court in this state with a sex offense and it appears that such person is a sexual psychopath, the prosecuting attorney may file a petition in the criminal proceeding, alleging that the defendant is a sexual psychopath and stating sufficient facts to support such allegation. Such petition must be filed and served on the defendant or his attorney at least ten days prior to hearing on the criminal charge.

SEC. 71.06.030 *Procedure on Petition—Effect of Acquittal on Criminal Charge.* The court may proceed to hear the criminal charge. If the defendant is convicted or has previously pleaded guilty to such charge, sentence shall be pronounced, and the court shall then proceed to hear and determine the allegation of sexual psychopathy. Acquittal on the criminal charge shall not operate to suspend the hearing on the allegation of sexual psychopathy.

SEC. 71.06.040 *Preliminary Hearing—Evidence—Detention in Hospital for Observation.* At a preliminary hearing upon the charge of sexual psychopathy, the court may require the testimony of two duly licensed physicians who have examined the defendant. If the court finds that there are reasonable grounds to believe the defendant is a sexual

psychopath, the court shall order said defendant confined at the nearest state hospital for observation as to the existence of sexual psychopathy. Such observation shall be for a period of not to exceed ninety days. The defendant shall be detained in the county jail or other county facilities pending execution of such observation order by the department.

SEC. 71.06.050 ————*Report of Findings.* Upon completion of said observation period the superintendent of the state hospital shall return the defendant to the court, together with a written report of his findings as to whether or not the defendant is a sexual psychopath and the facts upon which his opinion is based.

SEC. 71.06.060 ————*Commitment, or Other Disposition of Charge.* After the superintendent's report has been filed, the court shall determine whether or not the defendant is a sexual psychopath. If said defendant is found to be a sexual psychopath, the court shall commit him to such facility as may be designated by the department for the care and treatment of sexual psychopaths. If the defendant is found not to be a sexual psychopath, the court shall order the sentence to be executed, or may proceed to hear the criminal charge, or may discharge the defendant as the case may merit.

SEC. 71.06.070 *Jury Trial.* A jury may be demanded to determine the question of sexual psychopathy upon hearing after return of the superintendent's report. Such demand must be in writing and filed with the court within ten days after filing of the petition alleging the defendant to be a sexual psychopath.

SEC. 71.06.080 *Construction of Chapter—Trial, Evidence, Law Relating to Criminally Insane.* Nothing in this chapter shall be construed as to affect

the procedure for the ordinary conduct of criminal trials as otherwise set up by law. Nothing in this chapter shall be construed to prevent the defendant, his attorney or the court of its own motion, from producing evidence and witnesses at the hearing on the probable existence of sexual psychopathy or at the hearing after the return of the superintendent's report. Nothing in this chapter shall be construed as affecting the laws relating to the criminally insane or the insane criminal, nor shall this chapter be construed as preventing the defendant from raising the defense of insanity as in other criminal cases.

SEC. 71.06.090 *Termination of Commitment—Further Dispositions.* A sexual psychopath committed pursuant to section 71.06.060 shall be retained by the superintendent of the institution involved until in his opinion he is safe to be at large, whereupon:

(1) If the sexual psychopath had been convicted of, or had pleaded guilty to the criminal charge, and the maximum sentence for such crime has not expired, the superintendent shall certify his opinion to the board of prison terms and paroles.

(2) If the maximum sentence for the criminal charge has expired, the superintendent shall parole such sexual psychopath under terms and conditions as he may deem advisable.

(3) If the maximum sentence for the criminal charge has not expired and the sexual psychopath has not pleaded guilty to or been convicted of such charge, the superintendent shall return the sexual psychopath to the committing court, which court may thereupon proceed to hear and determine the criminal charge.

SEC. 71.06.100 ————*Hospital Record to be Furnished Court or Parole Board.* Where under section 71.06.090 the superintendent certifies his opinion

that the sexual psychopath is safe to be at large, he shall provide the board of prison terms and paroles, or the committing court, with a copy of the hospital medical record concerning the sexual psychopath so certified.

SEC. 71.06.110 ————*Imprisonment or Parole.* Where pursuant to section 71.06.090 (1) the superintendent certifies his opinion that the sexual psychopath is safe to be at large to the board of prison terms and paroles, such board shall proceed to determine the minimum sentence as in other criminal cases, and shall order the defendant transferred to the proper penal institution or released on parole, as the case may merit.

SEC. 71.06.120 *Credit for the Time Served in Hospital.* Time served by a sexual psychopath in a state hospital shall count as part of his sentence whether such sentence is pronounced before or after adjudication of his sexual psychopathy.

SEC. 71.06.130 *Discharge.* Where a sexual psychopath has been paroled by the superintendent for a period of five years, the superintendent shall review his hospital record and when the superintendent is satisfied that the sexual psychopath remains safe to be at large, said sexual psychopath shall be discharged.

SEC. 71.06.140 *State Hospitals for Care of Sexual Psychopaths.* The department may designate one or more state hospitals for the care and treatment of sexual psychopaths.

SEC. 71.06.150 *Psychopathic Delinquents—Petition—Filing.* A petition alleging that a person is a psychopathic delinquent and requesting that such person be brought before the court for hearing may be filed in the superior court of the county wherein such person is found. Such petition shall be made under oath and shall state the facts upon which the

allegation is based. Such petition may be filed by any of the following persons:

(1) The parent, guardian, or other person charged with the support of the alleged psychopathic delinquent.

(2) Any county prosecuting attorney.

(3) Any duly appointed representative of the school district in which the alleged psychopathic delinquent resides.

(4) Any official of a public or private welfare agency.

(5) Any superintendent of a state institution.

(6) Any person when so directed by the juvenile court or the criminal department of the superior court.

Where the person alleged to be a psychopathic delinquent is under the jurisdiction of the juvenile court, such petition shall be filed only under the order of such juvenile court.

SEC. 71.06.160 *Petition—Court May Order Filing.*
If a minor is brought before the juvenile court or is charged with a crime in a superior court and it appears to such court at any time prior to the execution of sentence that such minor is a psychopathic delinquent, the superior court or juvenile court may suspend proceedings, and, if a superior court, may direct the prosecuting attorney to file a petition under the provisions of this chapter, or if a juvenile court, may direct the juvenile court probation officer to file a petition under the provisions of this chapter. If the minor is found to be a psychopathic delinquent under this chapter, the court ordering such petition to be filed shall dismiss other pending proceedings. If the minor is found not to be a psychopathic delinquent, he shall be returned to the superior court or juvenile court ordering filing of such petition for further proceedings.

SEC. 71.06.170 *Preliminary Hearing—Time and Place—Privacy.* Upon filing of such petition the court shall fix a time and place for preliminary hearing, which shall give opportunity for the service of notice and the production and examination of witnesses. For the purpose of conducting hearings under this chapter, the court may be convened at any time and place within the county wherein the court resides and such hearing may be closed to the general public unless the guardian, attorney or guardian ad litem representing the alleged psychopathic delinquent demands an open hearing as in other civil actions.

SEC. 71.06.180 *Detention Pending Preliminary Hearing.* The court at its discretion may issue a warrant of apprehension ordering the alleged psychopathic delinquent to be apprehended and detained pending preliminary hearing, which warrant shall be executed by the sheriff or other person designated by the court. Alleged psychopathic delinquents may be detained in county juvenile detention facilities or in the custody of some suitable person or agency at the discretion of the court.

SEC. 71.06.190 *Preliminary Hearing—Scope of Inquiry—Evidence.* Upon preliminary hearing the court shall inquire into the mental condition, delinquency record, character, and personality of the alleged psychopathic delinquent, and for this purpose shall require the testimony of two duly licensed physicians who shall have examined the alleged psychopathic delinquent. Such physicians shall file a written report of their examination and shall testify as to whether or not the minor is a psychopathic delinquent, and the facts upon which such findings are based. The court, petitioner, or guardian, or guardian ad litem representing the alleged psychopathic

delinquent may produce such witnesses as they may desire and subpoenas may issue for such purposes.

SEC. 71.06.200 *Observation at State Hospital—Report of Superintendent.* If the court finds that there are reasonable grounds to believe that the minor filed against is a psychopathic delinquent, it shall order such person to be detained at the nearest state hospital for the purpose of observation and examination by the superintendent thereof. Such observation shall be for a period not to exceed ninety days. Upon completion of such observation and examination the superintendent of such state hospital shall so notify the committing court, which shall cause the return of the alleged psychopathic delinquent and the superintendent shall file as promptly as possible his written report setting forth the facts upon which he bases his conclusion that the minor is or is not a psychopathic delinquent.

SEC. 71.06.210 *Hearing on Petition—Evidence—Commitment.* The court shall thereupon set a date for hearing on the petition, at which hearing the guardian, petitioner, attorney, or the court of its own motion, may produce additional witnesses and evidence and may require the attendance of the superintendent as a witness. Notice of such hearing shall be given pursuant to the provisions of section 71.06-.170. If the court finds that the minor is a psychopathic delinquent, the court shall order such person committed to such institution as may be designated by the department for the custody, care and treatment of psychopathic delinquents, until released by the superintendent thereof, which order shall be executed by the sheriff or other person designated by the court.

SEC. 71.06.220 *Hearings Are Probate Matters.* Hearings held under the provisions of this chapter relative to psychopathic delinquents shall be handled as probate matters.

SEC. 71.06.230 *Jury Trial.* The alleged psychopathic delinquent shall have the right to trial by jury, but demand for such trial must be filed by the guardian or attorney representing the minor on or before the date of preliminary hearing. Where such demand is filed, the court shall set a date for trial and the jury shall determine the question of psychopathic delinquency but such jury trial shall be had only after return of the superintendent's report following the preliminary period of observation. If the jury finds the minor to be a psychopathic delinquent, the court shall order such minor committed as provided for in section 71.06.210. Such minor may be detained pending jury trial as provided for in section 71.06.180.

SEC. 71.06.240 *Parole and Discharge.* Any persons committed under the provisions of this chapter may be paroled by the superintendent of the institution wherein such person is confined whenever the superintendent is of the opinion that such person has improved to an extent that he is no longer a menace to the health, lives or property of himself or others. Such opinion shall be certified to the committing court and unless within thirty days the court orders the return of such person, the superintendent may parole him upon such conditions as the superintendent may deem advisable. After five years the superintendent shall review the record of such psychopathic delinquent, and if in his opinion such psychopathic delinquent remains safe to be at large, he shall discharge him. In addition, the superintendent may grant temporary visit paroles to psychopathic delinquents; such temporary visit paroles shall not exceed sixty days in duration, and at the expiration of such period the superintendent shall either return the psychopathic delinquent to the institution or grant a parole, as otherwise provided herein. The superintendent may grant temporary

visit paroles on such conditions as he may deem advisable, but notice of such temporary visit parole shall be given to the sheriff of the county in which the psychopathic delinquent will be on temporary visit parole and the chief of police of any city or town said delinquent may be visiting.

SEC. 71.06.250 *State Hospitals for Care of Psychopathic Delinquents—Treatment—Laws Applicable.* The director may designate any existing state institutions or portion thereof for the care and treatment of psychopathic delinquents: *Provided, however,* That such institution shall provide psychiatric care and treatment. Psychopathic delinquents committed under this chapter shall be subject to all laws pertaining to the administration of the institution in which confined.

SEC. 71.06.260 *Hospitalization Costs—Sexual Psychopaths, Psychopathic Delinquents—By Whom Paid.* At any time any person is committed as a sexual psychopath or psychopathic delinquent the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into and determine the financial ability of said person, or his parents if he is a minor, or other relatives to pay the cost of care, meals and lodging during his period of hospitalization. Such cost shall be determined by the department of institutions. Findings of fact shall be made relative to the ability to pay such cost and a judgment entered against the person or persons found to be financially responsible and directing the payment of said cost or such part thereof as the court may direct. The person committed, or his parents or relatives, may apply for modification of said judgment, or the order last entered by the court, if a proper showing of equitable grounds is made therefor.

Chapter 71.08

INTOXICATION AND DRUNKARDS

SEC. 71.08.010 *Punishment for Intoxication in Public Place.* Every person who shall become intoxicated by voluntarily drinking intoxicating liquors, and who, while intoxicated shall loiter about any place where intoxicating liquors are sold or kept for sale, or create any disturbance or use any profane or indecent language in any public place, street or meeting, or commit any assault or breach of the peace, shall be guilty of a misdemeanor.

SEC. 71.08.020 *Common drunkard, Who May be Adjudged.* Every person who shall be three times convicted of a violation of section 71.08.010, or of any municipal ordinance defining and punishing drunkenness or of any crime of which drunkenness shall be an element, or who shall squander his property in drink, or who, as a result of the use of intoxicating liquors shall abuse or fail properly to support or care for his wife or any minor child lawfully in his custody, shall be a common drunkard, and shall be adjudged so to be by any magistrate before whom he may be brought on a charge of committing any crime of which drunkenness is an element, in addition to any other punishment inflicted therefor.

SEC. 71.08.030 *Habitual Drunkard, Who May Be Adjudged.* Any person addicted to the use of intoxicating liquors may, upon complaint thereof, or upon certificate of a justice of the peace, as hereinafter provided, be adjudged a habitual drunkard.

SEC. 71.08.040 *Complaint, Who May Make.* Either the father, husband, mother, wife, son or daughter of any person addicted to the excessive use of intoxicating liquors, or any person in the interest of the relative aggrieved, or of the general public, may make complaint to the superior court judge of the

county wherein such person, so addicted, resides, that the person complained of is a habitual drunkard, and that in consequence thereof, such person is squandering his earnings or property, or that he neglects his business, or that he abuses or maltreats his family, which complaint must be verified by the oath of the complainant, to the effect that the same is true. And every justice of the peace in whose court any person shall have been convicted twice on a charge of being drunk, or drunk and disorderly, shall certify to the superior court judge, of the county in which he resides, that said person has thus twice been convicted.

SEC. 71.08.050 *Summons—Hearing—Determination.* Upon filing of the complaint, duly verified, the superior court judge shall cause a copy thereof to be served upon the accused forthwith and shall summon him to appear and answer, giving at least ten days' notice; and if, upon the hearing of the evidence, the allegations of the complaint are sustained, or upon filing a certificate of justice of the peace, as above provided, such judge shall, in open court, declare the accused to be a habitual drunkard, and shall cause the proceeding to be entered in full upon the records of the court.

SEC. 71.08.060 *Fees of Officers—Costs.* The same fees shall be allowed to the clerk of the superior court, justice of the peace, and the sheriff, or constable, in all proceedings under this chapter, as are allowed by law for like processes and services, and like fees for witnesses as in other cases; and if the complaint is not sustained, the person making the complaint shall pay the costs; and in case the complaint is sustained, the person accused shall pay the costs.

SEC. 71.08.070 *Penalty for Furnishing Intoxicants to Habitual Drunkard.* Any person who shall sell or

give any intoxicating liquors to any person who has been adjudged a habitual drunkard under the provisions of this chapter, shall be deemed guilty of a misdemeanor and on conviction thereof, by any court having criminal jurisdiction, shall be fined in any sum not less than fifty dollars or more than three hundred dollars, or be imprisoned in the county jail, not less than one or more than six months, at the discretion of the court.

SEC. 71.08.080 *Civil Liability for Furnishing Intoxicants to Habitual Drunkard.* Any person who shall be injured in person or property or means of support, by any person who has been adjudged a habitual drunkard under the provisions of this chapter, while in a state of intoxication, or in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors to such habitual drunkard, have caused his intoxication in whole or in part, and such person selling or giving such intoxicating liquors as aforesaid, shall be liable severally or jointly for all damages sustained, and the same may be recovered in a civil action. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use, and all damages recovered by a minor under this section, shall be paid either to such minor or to such person in trust for him or her, as the court may direct.

SEC. 71.08.090 *Vacation of Court Order.* Any person so declared to be a habitual drunkard may, at any time after the expiration of two years from the time he was so declared to be such, by petition addressed to the judge of the court in which he was so adjudged, have a hearing in such court, upon a day which shall be by such court set, which day shall not be more than ten days after the filing of such petition in such court, which petition may contain

a statement of facts tending to show the improved condition and habits of such petitioner and to establish his character for sobriety, and a prayer that the order on record so declaring him to be such habitual drunkard be vacated and he be released from the effects thereof; which petition shall be duly verified by the petitioner. And if upon the hearing of such petition and the evidence in support thereof it appears to the judge that such petitioner is entitled to have such record vacated and be so released, then he shall make an order so declaring that such record be vacated and annulled and that the petitioner be thereafter released from the effects thereof.

Chapter 71.12

PRIVATE ESTABLISHMENTS

SEC. 71.12.455 *Definitions.* As used in this chapter, "establishment" and "institution" mean and include every private hospital, sanitarium, home, or other place receiving or caring for any insane, alleged insane, mentally ill, or mentally incompetent person, or alcoholic.

SEC. 71.12.460 *License to Be Obtained—Penalty.* No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of health, and having paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of health, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing

and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

SEC. 71.12.470 *License Application—Fees.* Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is fixed by the following schedule:

(1) For establishments licensed to receive not more than six patients, the fee is five dollars;

(2) For establishments licensed to receive more than six but not more than twenty-five patients, the fee is twenty-five dollars;

(3) For establishments licensed to receive more than twenty-five but not more than fifty patients, the fee is fifty dollars;

(4) For establishments licensed to receive more than fifty patients, the fee is seventy-five dollars.

In the case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The department shall require a license fee in situations where licensed establishments increase their number of patients during any fiscal year, based on a pro rata charge under the schedule set forth herein. No additional fee will be required in the event of an application for transfer of a license to another person to operate the same establishment. No additional license fee shall be re-

quired for the transfer of the license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

SEC. 71.12.480 *Examination of Premises Before Granting License.* The department of health shall not grant any such license until it has made an examination of the premises proposed to be licensed and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

SEC. 71.12.490 *Expiration and Renewal of License.* All licenses issued under the provisions of this chapter shall expire on the first day of July next succeeding the date of issue. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department of health annually, not less than ten days prior to its expiration and if application is not so filed, the license shall be automatically canceled.

SEC. 71.12.500 *Examination of Premises As to Compliance with License—Revocation, Suspension of License.* The department of health may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license after notice and hearing.

SEC. 71.12.510 *Examination and Visitation in General.* The department may at any time cause any establishment as defined in this chapter to be visited and examined.

SEC. 71.12.520 *Scope of Examination.* Each such visit may include an inspection of every part of each

establishment. The representatives of the department of health may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the department may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

SEC. 71.12.530 *Conference with Management—Improvement.* The representatives of the department of health may, from time to time, at times and places designated by the department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them, from time to time, written recommendations in regard thereto.

SEC. 71.12.540 *Recommendations to Be Kept on File—Records of Inmates.* The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of health as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, and date of discharge.

SEC. 71.12.550 *Local Authorities May Also Prescribe Standards.* This chapter shall not prevent local authorities of any city, or city and county, within the reasonable exercise of the police power, from

adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for establishments as defined in this chapter, which are not in conflict with the provisions of this chapter, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such city or city and county.

SEC. 71.12.560 *Voluntary Patients—Report—Release of Patient.* The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive and detain therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. Upon the admission of a voluntary patient to a private institution, hospital, or sanitarium, the person in charge shall immediately forward to the office of the department of health a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital or sanitarium, and such other information as may be required by rule of the department of health. No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than ten days after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium.

SEC. 71.12.570 *Notification of Detention of Patient—Duty of Prosecuting Attorney.* No person in an establishment as defined in this chapter shall be restrained from sending written communications of the fact of his detention in such establishment to a friend, relative, or other person. The physician in charge of such person and the person in charge of such establishment shall send each such communication to the person to whom it is addressed. If, however, the person in charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to the person detained, or if the physician finds it impossible to send any such communication within twenty-four hours, then both the physician in charge of the patient and the person in charge of the establishment shall give notice of the detention of such patient to the prosecuting attorney of the county from which the patient came at the time of admission and the prosecuting attorney of the county in which the establishment is located, and the person to whom such communication was addressed, and to the department of health, giving the name and address of the patient and the names and addresses of the person or persons who arranged for his admission and stating the facts of the attempted communication and the reason for withholding it. Such prosecuting attorney or prosecuting attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full concerning said patient to the department of health. The person in charge of the establishment may detain a patient only when there has been compliance with the provisions of this section.

SEC. 71.12.580 *Proceedings As to Mental Condition of Patient—Representation of Patient—Examination.* No court proceeding shall be had in relation

to the mental condition of a patient in a private institution, hospital, sanitarium, department or ward for the care of or treatment of the mentally ill unless the patient is either present or represented by an attorney. The judge of the superior court before whom the proceedings are to be heard shall appoint two licensed medical examiners who are not connected with any private psychopathic institution to make a personal examination of the patient and to testify before the judge as to the results of such examinations. The provisions of this section shall not be applicable to proceedings for the appointment of a guardian under general law of this state.

SEC. 71.12.590 *Revocation of License for Noncompliance—Exemption As to Christian Science Establishments.* Failure to comply with any of the provisions of sections 71.12.550 through 71.12.580 shall constitute grounds for revocation of license: *Provided, however,* That nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any establishment, as defined in this chapter conducted in accordance with the practice and principles of the body known as Church of Christ, Scientist.

SEC. 71.12.640 *Prosecuting Attorney Shall Prosecute Violations.* The prosecuting attorney of every county shall, upon application by the department of health or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

Chapter 71.98

CONSTRUCTION

SEC. 71.98.010 *Continuation of Existing Law.* The provisions of this title insofar as they are substan-

tially the same as statutory provisions repealed by this chapter and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 71.98.020 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

SEC. 71.98.030 *Invalidity of Part of Title Not to Affect Remainder.* If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

SEC. 71.98.040 *Repeals and Saving.* The following acts or parts of acts are repealed:

- (1) Sections 1 through 7, pages 113 and 114, Laws of 1879;
- (2) Sections 1 through 4, pages 13 and 14, Laws of 1881;
- (3) Sections 1671 through 1677, chapter 113, Code 1881;
- (4) Sections 1, 6 and 7, pages 32 and 33, Laws of 1883;
- (5) Sections 416 and 417, chapter 249, Laws of 1909;
- (6) Chapter 105, Laws of 1915;
- (7) Chapter 109, Laws of 1915;
- (8) Chapter 145, Laws of 1923;
- (9) Chapter 42, Laws of 1939;
- (10) Chapter 179, Laws of 1947;
- (11) Sections 1 through 19, 21 through 51 and 53 through 69, chapter 198, Laws of 1949;
- (12) Sections 1 through 5, 17 through 39, and 51 through 64, chapter 139, Laws of 1951;
- (13) Chapter 223, Laws of 1951;
- (14) Chapter 24, Laws of 1957;
- (15) Chapter 26, Laws of 1957;

- (16) Chapter 28, Laws of 1957;
- (17) Chapter 35, Laws of 1957;
- (18) Chapter 49, Laws of 1957;
- (19) Chapter 184, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

SEC. 71.98.050 *Emergency*. 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 January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

I. Introductory.

Title 71 RCW is presently entitled "Insane, Feeble-minded, Mentally Ill Persons, and Inebriates". Since the adoption of RCW in 1951, in fact commencing with the 1951 session, the law on this subject has been extensively amended, to the point that it is deemed advantageous to include a portion of this material in Title 72 which relates to state institutions.

In preparing the bills for the reenactment of Titles 71 and 72, RCW, those provisions which are presently contained in Title 71 but which primarily relate to state institutions, are proposed for reenactment as part of Title 72. Such provisions are (1) those portions of 1951 Mental Illness Hospitalization Act which provide for the creation and administration of the state hospitals for the mentally ill; (2) chapter 71.04 relating to nonresident insane, feeble-minded, etc., persons and (3) chapter 71.16 relating to the division on alcoholism of the state department of institutions.

A detailed explanation of each section included for reenactment in Title 71 is set forth in Part II of this note.

II. Section comment.

Chapter 71.02 Mental Illness—Commitment Procedure

The mental illness hospitalization act (1951 c 139, presently codified as chapter 71.02 RCW) contains the general procedure for mental illness commitment to any institution, as well as provisions for the

Explanatory
note.

- establishment and administration of the state mental hospitals. In the instant bill, and the companion bill relating to Title 72, the 1951 act is divided and the commitment provisions are retained in Title 71 while the administrative provisions relating to the state institutions are moved to Title 72 as a part of the public institutions code. The definitions section of the 1951 act is carried in both bills, as sections 71.02.010 and 72.23.010. Sections 1 and 4 of the 1951 act, relating to statutory construction are likewise carried in both bills, as sections 71.02.900, 72.23.900 and 71.02.020, 72.23.910, respectively.
- 71.02.010 Source—1951 c 139 sec. 2.
“department of public institutions” changed to “department of institutions”. See 1957 c 215 secs. 19, 20 (chapter 43.17) and 1955 c 195 sec. 4 (RCW 43.28. 020).
- 71.02.020 Source—1951 c 139 sec. 4.
“act” to “chapter”
- 71.02.090 Source—1957 c 28 sec. 1; 1951 c 139 sec. 17.
- 71.02.100 Source—1951 c 139 sec. 31.
- 71.02.110 Source—1951 c 139 sec. 39.
“act” to “chapter”
- 71.02.120 Source—1951 c 139 sec. 18. Prior: 1949 c 198 secs. 4, 8, part.
- 71.02.130 Source—1957 c 49 sec. 1; 1951 c 139 sec. 28.
- 71.02.140 Source—1951 c 139 sec. 15. Prior: 1949 c 198 sec. 5.
- 71.02.150 Source—1951 c 139 sec. 32. Prior: 1949 c 198 sec. 6, part.
“act” to “chapter”
- 71.02.160 Source—1951 c 139 sec. 33. Prior: 1949 c 198 sec. 9, part.
“act” to “chapter”
“or in chapter 72.23 RCW” added after “chapter”, to make this section applicable to any hearings required under chapter 72.23 which likewise is derived from 1951 c 1939. See particularly section 72.23.150 of the companion bill, relating to orders for the return of parolees.
- 71.02.170 Source—1951 c 139 sec. 21. Prior: 1949 c 198 sec. 10, part.
- 71.02.180 Source—1951 c 139 sec. 34. Prior: 1949 c 198 sec. 10, part.
- 71.02.190 Source—1951 c 139 sec. 22. Prior: 1949 c 198 sec. 11.
- 71.02.200 Source—1951 c 139 sec. 20.
- 71.02.210 Source—1951 c 139 sec. 23. Prior: 1949 c 198 sec. 8.
- 71.02.220 Source—1951 c 139 sec. 24.
- 71.02.230 Source—1957 c 24 sec. 1; 1951 c 139 sec. 51.
- 71.02.240 Source—1951 c 139 sec. 25.
- 71.02.250 Source—1951 c 139 sec. 38. Prior: 1949 c 198 sec. 13.
- 71.02.260 Source—1951 c 139 sec. 30.
- 71.02.270 Source—1951 c 139 sec. 35.
“of public institutions” deleted from phrase “department of public institutions”.
- 71.02.280 Source—1951 c 139 sec. 37.
- 71.02.290 Source—1951 c 139 sec. 36.
“of public institutions” deleted from phrase “department of public institutions”.
- 71.02.300 Source—1951 c 139 sec. 27.
- 71.02.310 Source—1951 c 139 sec. 53.
“act” to “chapter”
- 71.02.320 Source—1951 c 139 sec. 56.
- 71.02.330 Source—1951 c 139 sec. 58.
- 71.02.340 Source—1951 c 139 sec. 59.
- 71.02.350 Source—1951 c 139 sec. 60.
- 71.02.360 Source—1951 c 139 sec. 61.
- 71.02.370 Source—1951 c 139 sec. 64.
- 71.02.380 Source—1951 c 139 sec. 62.
- 71.02.390 Source—1951 c 139 sec. 57.
- 71.02.400 Source—1951 c 139 sec. 63.
- 71.02.410 Source—1951 c 139 sec. 52.

- 71.02.420 Source—1951 c 139 sec. 54. Explanatory
71.02.430 Source—1951 c 139 sec. 55. note.
71.02.450 Source—1951 c 139 sec. 29.
“of public institutions” deleted from phrase “department of
public institutions”.
- 71.02.490 Source—1951 c 139 sec. 26.
71.02.650 Source—1951 c 139 sec. 3. Prior: 1949 c 198 sec. 16.
71.02.900 Source—1951 c 139 sec. 1.

Chapter 71.06 Sexual Psychopaths and Psychopathic
Delinquents

- 71.06.010 Source—1957 c 184 sec. 1; 1951 c 223 sec. 2.
“department of public institutions” changed to “department of
institutions”.
- 71.06.020 Source—1951 c 223 sec. 3.
71.06.030 Source—1951 c 223 sec. 4.
71.06.040 Source—1951 c 223 sec. 5.
“of public institutions” deleted from phrase “department of
public institutions”.
- 71.06.050 Source—1951 c 223 sec. 6.
71.06.060 Source—1951 c 223 sec. 7.
“of public institutions” deleted from phrase “department of
public institutions”.
- 71.06.070 Source—1951 c 223 sec. 14.
71.06.080 Source—1951 c 223 sec. 15.
71.06.090 Source—1951 c 223 sec. 8.
71.06.100 Source—1951 c 223 sec. 10.
71.06.110 Source—1951 c 223 sec. 9.
71.06.120 Source—1951 c 223 sec. 13.
71.06.130 Source—1951 c 223 sec. 12.
71.06.140 Source—1951 c 223 sec. 11.
71.06.150 Source—1951 c 223 sec. 16.
71.06.160 Source—1951 c 223 sec. 24.
71.06.170 Source—1951 c 223 sec. 17.
71.06.180 Source—1951 c 223 sec. 18.
71.06.190 Source—1951 c 223 sec. 19.
71.06.200 Source—1951 c 223 sec. 20.
71.06.210 Source—1951 c 223 sec. 21.
“of public institutions” deleted from phrase “department of
public institutions”.
- 71.06.220 Source—1951 c 223 sec. 26.
71.06.230 Source—1951 c 223 sec. 22.
71.06.240 Source—1957 c 35 sec. 1; 1951 c. 223 sec. 23.
71.06.250 Source—1951 c 223 sec. 25.
“of the department of public institutions” deleted from phrase
“director of the department of public institutions”.
- 71.06.260 Source—1957 c 26 sec. 1; 1951 c 223 sec. 27.

Chapter 71.08 Intoxication and Drunkards

- 71.08.010 Source—1909 c 249 sec. 416; RRS sec. 2668.
Session law caption “Drunkeness” removed as being inade-
quate.
- 71.08.020 Source—1909 c 249 sec. 417; RRS sec. 2669.
Session law caption “Common drunkard” removed as being
inadequate.
- 71.08.030 Source—1883 p 32 sec. 1 (paragraph “first”); Code 1881 sec.
1673; RRS sec. 1708. Prior: 1879 p 113 sec. 1.
- 71.08.040 Source—1883 p 32 sec. 1 (paragraph “second”); Code 1881 sec.
1674; RRS sec. 1709. Prior: 1881 p 13 sec. 1; 1879 p 113 sec. 2.
“probate” judge changed to “superior court” judge.

Explanatory
note.

- 71.08.050 Source—1883 p 32 sec. 1 (paragraph “third”); Code 1881 sec. 1672; RRS sec. 1710. Prior: 1881 p 13 sec. 2; 1879 p 114 sec. 3. “probate” judge changed to “superior court” judge.
- 71.08.060 Source—1883 p 33 sec. 1 (paragraph “fourth”); Code 1881 sec. 1673; RRS sec. 1711.
 “The same fees shall be allowed to the probate judge . . .” changed to “The same fees shall be allowed to the clerk of the superior court . . .” The powers and duties of the probate judges passed to the judges of the superior court by State Constitution, Art. 27 sec. 10.
 As for fees of witnesses, there seems to be no distinction between those fees allowed for witnesses in the justice courts and in other courts as is provided for in this section. Witnesses are given a flat fee for each day that they appear (RCW 2.40.010). Hence we have deleted following “and like fees for witnesses”, the phrase, “as in civil cases before the justice of the peace” and inserted instead “as in other cases”.
- 71.08.070 Source—Code 1881 sec. 1674; RRS sec. 1712. Prior: 1879 p 114 sec. 5.
 The first part of 1881 sec. 1674 reads “Any person who shall sell or give any intoxicating liquor to any habitual drunkard, as defined in the foregoing section of this act,”. The phrase “under the foregoing section of this act” first appeared in 1879 p 114 sec. 5 and sec. 4 which is the “foregoing” section contains no definition of “habitual drunkard”. In fact there appears to be no express definition of the term anywhere in the chapter. We have therefore changed the language to read “Any person who shall sell or give any intoxicating liquors to any person who has been adjudged a habitual drunkard under the provisions of this chapter,”.
- 71.08.080 Source—Code 1881 sec. 1675; RRS sec. 1713. Prior: 1879 p 114 sec. 6.
 We have changed the language from “Any person who shall be injured in person or property or means of support, by any habitual drunkard, as defined by this act” to read “Any person who shall be injured in person or property or means of support, by any person who has been adjudged a habitual drunkard under the provisions of this chapter,”. This has been done for the same reason as the change made in section 71.08.070.
 “act” has been changed to “chapter” where it appears except in the last sentence of this section where “act” has been changed to “section”.
- 71.08.090 Source—Code 1881 sec. 1677; RRS sec. 1715. Prior: 1881 p 14 sec. 4.

Chapter 71.12 Private Establishments for the
Mentally Ill

Introductory comment: The source of this chapter is 1949 c 198 secs. 52-68 which relate to private establishments for the mentally ill. The other portions of the 1949 act deal with care by public institutions, with psychopathic delinquents and sexual psychopaths, and with chronic alcoholics.

The public institutions provisions appear to have been repealed and superseded by 1951 c 139, the analogous provisions of which appear in chapter 72.23 in the companion bill which proposes the reenactment of Title 72.

The provisions relating to psychopathic delinquents and sexual psychopaths appear to have been repealed by 1951 c 223, set forth herein as chapter 71.06.

The provisions relating to chronic alcoholics were repealed by 1957 c 136 sec. 21 and the subject of alcoholism is dealt with in chapter 72.03 of the companion bill.

- 71.12.010 Three definition sections were formerly codified herein, 1949 c 198 secs. 25, 40 and 53. Explanatory note.
Sections 25 and 40, definitions relating to the sexual psychopathic provisions, are repealed without reenactment since chapter 71.06 contains similar definitions.
Section 53 specifically pertains to "sec. 53 through 68" which sections are still in force. They are codified as RCW 71.12.460 through 71.12.590 and 71.12.640. Therefore, section 53 is contained herein as section 71.12.455.
- 71.12.455 Source—1949 c 198 sec. 53; RRS sec. 6953-52a.
"As used in sections 53 through 68 of this act" to "As used in this chapter" since sections 53 through 68 appear in chapter 71.12, alone.
"private" added before "hospital" as it is apparent from the licensing provisions in this chapter that private establishments, alone, are the object of the legislation.
"any insane, alleged insane, mentally ill, or other incompetent person referred to in this division" to "any insane, alleged insane, mentally ill or mentally incompetent person, or alcoholic". The phrase "or other incompetent person referred to in this division" appears to have reference to 1949 c 198 secs. 21-24 relating to the involuntary confinement of chronic alcoholics. Although such sections were repealed by chapter 136, Laws of 1957 which created a division of alcoholism in the department of institutions, such repeal would not seem to affect the power of the department of health to inspect and license private establishments for the care and treatment of alcoholics under the provisions of this and succeeding sections of chapter 71.12.
- 71.12.460 Source—1949 c 198 sec. 54; RRS sec. 6953-53.
"establishment as defined in this chapter" substituted for "establishment for the care, custody, or treatment of the insane, alleged insane, or mentally ill, or other incompetent persons referred to in this act" to correspond with the change in the definition of "establishment" in section 71.12.455.
"Department of Public Health" changed to "department of health" as it is so described in the administrative code of 1921.
"act" to "chapter"
- 71.12.470 Source—1949 c 198 sec. 56; RRS sec. 6953-55.
- 71.12.480 Source—1949 c 198 sec. 57; RRS sec. 6953-56.
Word "public" in "department of public health" omitted.
- 71.12.490 Source—1949 c 198 sec. 59; RRS sec. 6953-58.
Word "public" omitted from "public health".
"act" to "chapter"
- 71.12.500 Source—1949 c 198 sec. 58; RRS sec. 6953-57.
"public" omitted from "public health".
- 71.12.510 Source—1949 c 198 sec. 60; RRS sec. 6953-59.
Concerning phrase "or incompetent persons" see notes to 71.12.455.
- 71.12.520 Source—1949 c 198 sec. 61; RRS sec. 6953-60.
"public" omitted from "public health".
- 71.12.530 Source—1949 c 198 sec. 62; RRS sec. 6953-61.
"public" omitted from "public health".
- 71.12.540 Source—1949 c 198 sec. 63; RRS sec. 6953-62.
"public" omitted from "public health".
"or other incompetents" and "or other incompetent persons referred to in this act", see notes to 71.12.455.
- 71.12.550 Source—1949 c 198 sec. 64; RRS sec. 6953-63.
"act" to "chapter"
"or other incompetent", see notes to 71.12.455.
- 71.12.560 Source—1949 c 198 sec. 65; RRS sec. 6953-64.
"public" omitted from "public health".

Explanatory note.	71.12.570	Source—1949 c 198 sec. 66; RRS sec. 6953-65. “act” to “chapter” “public” omitted from “public health”.
	71.12.580	Source—1949 c 198 sec. 67; RRS sec. 6953-66.
	71.12.590	Source—1949 c 198 sec. 68; RRS sec. 6953-67. “act” to “chapter”
	71.12.640	Source—1949 c 198 sec. 55; RRS sec. 6953-54. “public” omitted from “public health” “act” to “chapter”

Chapter 71.98 Construction

71.98.010	This section has been added to preserve continuity with the laws which this bill reenacts.
71.98.020	Provides that chapter, etc., headings are not part of the law.
71.98.030	Severability.
71.98.040	Repeals and saving. Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.
	(3) Section 1671 relates to who may make complaint in habitual drunkard cases. Repealed without reenactment as the subject is covered by 1883 p 32 sec. 1 (section 71.08.040).
	(11) Sections 25 and 40, see notes to 71.12.010.
	(12) Section 5 defines the short title of 1951 c 139. Repealed without reenactment as 1951 c 139 has been divided for reenactment in Titles 71 and 72.
71.98.050	Effective date.

CHAPTER 26.

[H. B. 3.]

PUBLIC ASSISTANCE—TITLE 74 RCW REENACTMENT.

AN ACT relating to public assistance; enacting a public assistance code to be known as Title 74 of the Revised Code of Washington; providing penalties; repealing sections 1 through 11, pages 395 through 397, Laws of 1854; section 19, page 422, Laws of 1854; sections 2680 and 2696 through 2706, Code of 1881; chapter 135, Laws of 1915; chapter 72, Laws of 1921; chapter 8, Laws of 1933; chapter 29, Laws of 1933; chapter 65, Laws of 1933; chapter 102, Laws of 1933; sections 2 through 7, chapter 172, Laws of 1933; chapter 77, Laws of 1935; chapter 106, Laws of 1935; chapter 110, Laws of 1935; chapter 118, Laws of 1935; sections 1 through 29, and 31, chapter 182, Laws of 1935; chapter 111, Laws of 1937; chapter 114, Laws of 1937; chapter 132, Laws of 1937; chapter 156, Laws of 1937; chapter 180, Laws of 1937; chapter 25, Laws of 1939; chapter 75, Laws of 1939; chapter 216, Laws of 1939; chapter 1, Laws of 1941; chapter 128, Laws of 1941; chapter 170, Laws of 1941; chapter 242, Laws of 1941; chapter 159, Laws of 1943; chapter 172, Laws of 1943; chapter 7, Laws of 1945; chapter 80, Laws of 1945; chapter

260, Laws of 1947; chapter 288, Laws of 1947; chapter 289, Laws of 1947; chapter 6, Laws of 1949; chapter 166, Laws of 1949; chapter 10, Laws of 1950, extraordinary session; chapter 1, Laws of 1951; chapter 122, Laws of 1951; chapter 165, Laws of 1951; chapter 176, Laws of 1951; chapter 261, Laws of 1951; sections 2 through 16, and 18, chapter 270, Laws of 1951; chapter 274, Laws of 1951; chapter 5, Laws of 1951, 1st extraordinary session; chapter 17, Laws of 1951, 2nd extraordinary session; chapter 21, Laws of 1951, 2nd extraordinary session; sections 3 through 51, chapter 174, Laws of 1953; chapter 3, Laws of 1953, 1st extraordinary session; chapter 5, Laws of 1953, 1st extraordinary session; chapter 273, Laws of 1955; chapter 366, Laws of 1955; chapter 379, Laws of 1955; chapter 380, Laws of 1955; sections 2 through 4, chapter 187, Laws of 1957; chapter 63, Laws of 1957; and declaring an emergency.

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

TITLE 74

PUBLIC ASSISTANCE

Chapter 74.04

GENERAL PROVISIONS—ADMINISTRATION

SECTION 74.04.005 *Definitions.* For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of public assistance.

(3) "County office"—The administrative office for one or more counties.

(4) "Director"—The director of the state department of public assistance.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal govern-

ment to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, aid to dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services and any other programs of public assistance which are authorized by this title for which provision for federal aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Budgetary basis"—A basis taking into consideration an applicant's need and resources, and shall be measured in relation to a basic minimum family budget determined by the department.

(8) "Committee"—The public assistance committee created by this title.

(9) "Direct relief"—Payment by cash or voucher to provide the necessities of life to a person and his dependents, and shall include materials furnished or services rendered for such purposes to such person and dependents in his own home.

(10) "Grant-in-aid"—An allocation of public funds by the state to counties for public assistance purposes.

(11) "Institutional care"—Care provided by counties through hospitals, sanatoria and homes or farms.

(12) "Work relief"—Wages paid by a body politic or corporate to persons who are unemployed, or whose employment is inadequate to provide the

necessities of life to themselves and dependents, out of money specifically appropriated or contributed for that purpose, for the performance of services or labor connected with work undertaken by such body independent of work under contract or for which an annual appropriation is made: *Provided*, That the expenditure of moneys made available for assistance purposes under this title in connection with work relief programs shall be limited to the payment of wages exclusively.

(13) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(14) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(15) "Income"—Net income in cash or kind available to an applicant or recipient, the receipt of which is regular and predictable enough that an applicant or recipient may rely upon it to contribute appreciably toward meeting his needs: *Provided*, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource the first fifty dollars per month of any earned income of such blind recipient who is otherwise eligible for an aid to the blind grant: *Provided further*, That if the federal laws permit, the department is directed to disregard as a resource the first fifty dollars per month of any earned income of any recipient of old age assistance, aid to dependent children, or disability assistance who is otherwise eligible. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the federal security agency.

(16) "Need"—The amount by which the requirements of an individual for himself and the dependent members of his family, as measured by the standards of the department, exceed all income and resources available to such individual in meeting such requirements.

(17) "Resource"—Any asset, tangible or intangible, which can be applied toward meeting an applicant's or recipient's need, either directly or by conversion into money or its equivalent: *Provided*, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto. Whenever a recipient shall cease to use such property for residential purposes, either by himself or his dependents, the property shall be considered a resource which can be made available to meet need. If the person or his dependents absent themselves from the home for a consecutive period of ninety days such absence shall raise a presumption of abandonment: *Provided*, That hospitalization of a recipient or absence from the recipient's home for health reasons for a period in excess of ninety days shall not raise such a presumption.

(b) Household furnishings and personal clothing used and useful to the person.

(c) An automobile.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit, or marketable securities of such value.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That this maximum allowance shall be de-

created by the amount of cash held by the person or the family unit under item (d) above.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient. Whenever such person ceases to make use of such personal property and belongings, the same shall be considered a resource available to meet need.

(g) If the federal laws permit, the first fifty dollars per month of earned income of any recipient of old age assistance, aid to dependent children, or disability assistance who is otherwise eligible.

The department shall by rule and regulation fix the ceiling value for the individual or family unit for all personal property and belongings as defined in items (c), (d) and (e) of this section. If an applicant for or recipient of public assistance possesses personal property and belongings of a value in excess value, such person shall be ineligible for public assistance: *Provided*, That in the determination of need of applicants for or recipients of general assistance no resources shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource when such resources are determined to be necessary to the applicant's or recipient's restoration to independence.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

SEC. 74.04.011 *Director's Authority—Personnel.*
The director of public assistance shall be the ad-

ministrative head of the department of public assistance and he shall have the power to and shall employ such assistants and personnel as may be necessary for the general administration of the department: *Provided*, That such employment is in accordance with the rules and regulations of the state merit system. The director shall through and by means of his assistants and personnel exercise such powers and perform such duties as may be prescribed by the public assistance laws of this state, unless otherwise directed by the state public assistance committee, which shall not be contrary to the laws of this state.

SEC. 74.04.013 *Transfer of Rights and Functions to Department of Public Assistance.* The department of public assistance shall succeed to the rights and functions of the preexisting department of social security.

SEC. 74.04.015 *Director Responsible Officer to Administer Federal Funds.* The director of public assistance shall be the responsible state officer for the administration of, and the disbursement of all funds which may be received by the state in connection with, old age assistance, aid to dependent children, aid to the blind, services for crippled children, child welfare services, vocational rehabilitation, and all other matters included in the federal social security act approved August 14, 1935, or as the same may be amended, excepting those required to be administered by the department of education or the state board of vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

SEC. 74.04.017 *Aid to the Blind Program—Personnel.* The personnel in the aid to the blind program shall be chosen on the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of this state at the time of their selection. In appointing and employing personnel to carry into effect the provisions of chapter 74.16, the director shall give preference under the merit system to qualified and available blind persons up to fifty per cent of such personnel.

SEC. 74.04.020 *Public Assistance Committee Created.* There is created a state public assistance committee to consist of the governor, the director of budget and a third member to be appointed by the governor, who shall not be a state officer or employee. The members of the committee shall serve without compensation for their services, but the appointive member shall be entitled to expenses actually incurred in the discharge of his duties which expenses shall be paid out of moneys appropriated to the department. The committee shall have control of the administration of this title and exercise such powers and perform such duties as are prescribed herein.

SEC. 74.04.030 *Personnel Administration—Merit System.* The personnel required to carry out the provisions of this title shall be employed under a merit system plan of personnel administration which shall be established on such basis as to conform with the standards of the federal government with regard to personnel administration. The committee shall establish such rules and regulations as may be necessary to carry out the provisions of the merit system plan: *Provided,* That if the department of public assistance is authorized or directed by law or the order of the governor to join with one or more departments, boards, commissions or offices of state

government in establishing a joint or general merit system, rules and regulations shall be adopted by the board, commission, or agency administering such joint or general merit system which board, commission, or agency shall be independent of the departments, boards, commissions, or offices joining in such joint or general merit system: *Provided further*, That as to the department of public assistance such rules and regulations shall conform to the requirements of the federal government with regard to personnel administration.

SEC. 74.04.034 *State Advisory Committee Created*. There is hereby created a state advisory committee which shall serve in an advisory capacity to the director and the department. The committee shall be composed of seven members with the membership to be selected, insofar as possible, on the basis of giving both geographic and occupational representation throughout the state. Members shall be selected on the basis of their known experience or interest in public assistance and its related problems and not more than four members shall be identified with the same major political party. Appointment to the state committee shall be by the governor, by and with the consent of the senate. The members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon expiration of said original terms subsequent appointments shall be for six years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

SEC. 74.04.035 *State Advisory Committee—Powers and Duties*. The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the director on all matters pertaining to chapters 74.04

through 74.14, except that in the case of the blind the state advisory committee shall have no powers or duties.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the governor as they deem advisable.

(3) To prepare and publish a mimeographed report of their recommendations. The committee shall prescribe rules for the transaction of its business. The committee shall select a chairman and a secretary. Meetings shall be held quarterly, and special meetings may be called by the director upon seven days' notice to the committee. Each member of the committee shall receive fifteen dollars 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 his committee, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by the director and a majority vote of the committee: *Provided*, That no member shall receive in excess of seven hundred dollars in any one year.

No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions, nor who is an official of any political party, nor who is a candidate for any public office.

SEC. 74.04.040 *Relief Declared Joint Federal, State, and County Function.* The care, support, and relief of needy persons is hereby declared to be a joint federal, state, and county function. County offices are charged with the responsibility, for the administration of public assistance within the respective county or counties or parts thereof as local

offices of the department as prescribed by the rules and regulations of the department.

SEC. 74.04.050 *Department Is Responsible State Agency.* The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to co-operate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

- (1) Old age assistance;
- (2) Aid to dependent children;
- (3) Aid to the needy blind;
- (4) Child welfare services;
- (5) Aid to permanently and totally disabled;
- (6) Programs of public assistance which are authorized by this title, for which provision for federal aid may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which grants-in-aid are extended to the state to aid in the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants.

The department shall periodically make application for federal funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal matching funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal aid grants. In the event of noncompliance with any such rules and

regulations, the department shall take over the administration of public assistance programs in any county or counties involved until compliance shall have been effected during which time the department may authorize and approve the expenditure of all public assistance funds within the county.

SEC. 74.04.055 *Cooperation with Federal Government—Construction.* In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the director shall issue such rules and regulations as may become necessary to entitle this state to participate in federal matching funds unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching funds for the various programs of public assistance.

SEC. 74.04.060 *Records, Etc., Confidential—Exceptions—Penalty.* For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

The county offices shall maintain monthly at their offices a report showing the names and ad-

dresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: *Provided, however,* That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

SEC. 74.04.070 *County Office — Administrator.* There may be established in each county of the state a county office which shall be administered by an executive officer designated as the county administrator. The county administrator shall be appointed by the director in accordance with the rules and regulations of the state merit system.

SEC. 74.04.080 *Personnel—Administrator's Bond.* The county administrator shall have the power to, and shall, employ such personnel as may be necessary to carry out the provisions of this title, which employment shall be in accordance with the rules and regulations of the state merit system, and in accordance with personnel and administrative standards established by the department. The county administrator before qualifying shall furnish a

surety bond in such amount as may be fixed by the director, but not less than five thousand dollars, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control. The cost of such bond shall be an administrative expense and shall be paid by the department.

SEC. 74.04.120 *Basis of State's Allocation of Federal Aid Funds.* Allocations of state and federal funds shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets, considered in conjunction with revenues available for the satisfaction of that need: *Provided,* That in preparing his quarterly budget for federal aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the director and the public assistance committee shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient general assistance funds to the appropriation for such category to service such case load and secure the benefit of federal matching funds.

SEC. 74.04.141 *County Advisory Committees.* There is hereby established a county advisory committee in a county or in one or more counties. The committee shall consist of not less than five members to be appointed by the county commissioners, one of which shall be a county commissioner. Appointments to such committee shall be on the basis of known interest in public assistance and its related problems. Members shall hold office for two year terms. The county advisory committee shall take

the necessary steps of forming a committee including rules for the transaction of business.

The county advisory committee shall have the following duties:

- (1) To make studies of the public assistance program within the county or counties of their jurisdiction;
- (2) To advise the state director and public assistance committee of the results of the studies;
- (3) To recommend to the state advisory committee necessary studies and surveys to be made on a state-wide basis;
- (4) To call meetings and set the time and number of meetings;
- (5) To prepare the agenda of the meetings;
- (6) Have access to all records of the county office they deem necessary, in compliance with the present act and/or the federal social security laws.

The county administrator shall cooperate with this committee in their activities.

Sec. 74.04.150 State Levy for Public Assistance. The state shall levy annually a tax not to exceed two mills upon the assessed valuation of all taxable property within the state for public assistance purposes.

Sec. 74.04.180 Joint County Administration. Public assistance may be administered through a single administrator and a single administrative office for one or more counties. There may be a local office for the transaction of official business maintained in each county.

Sec. 74.04.200 State-Wide Standards to Be Enforced. It shall be the duty of the department of public assistance to establish uniform state-wide standards to govern the granting of assistance in the several categories of this title and it shall have power to compel compliance with such uniform

standards as a condition to the receipt of state and federal funds by counties for social security purposes.

SEC. 74.04.210 *Basis of Allocation of Moneys.* The moneys appropriated for public assistance purposes and subject to allocation as in this title provided shall be allocated to counties on the basis of past experience and established case load history.

SEC. 74.04.250 *General Assistance—Immediate Grants—Penalty.* An applicant for any category of public assistance under this title may, in the discretion of the administrator, be granted general assistance at once upon making application therefor provided he submits to the administrator a sworn statement of need and resources; but if upon due investigation and inquiry on the part of the administrator it shall develop that such applicant swore falsely, he may be proceeded against criminally and if convicted be punished as for a gross misdemeanor. The county, through its prosecuting attorney, may also in such cases institute and prosecute an action to recover any moneys wrongfully received by the applicant by means of his false statement.

SEC. 74.04.265 *Earnings—Deduction from Grants.* In the event federal laws are changed to so permit, the director shall issue such rules and regulations consistent therewith and with memorials of the legislature, as will recognize the earnings of any persons which commence or are increased after a grant is made to such person without the deduction in full thereof from the amount of their grants. This may be done by exempting a percentage of earnings or increase of earnings subsequent to the making of a grant by the recipients of other classes of relief or by exempting such amount of earnings as the federal laws may require or permit. Such percentage exemption, if possible, shall be made on a sliding scale.

SEC. 74.04.270 *Audit of Accounts—Uniform Accounting System.* It shall be the duty of the state auditor to audit the accounts, books and records of the department of public assistance. The public assistance committee shall establish and install a uniform accounting system for all categories of public assistance, applicable to all officers, boards, commissions, departments or other agencies having to do with the allowance and disbursement of public funds for assistance purposes, which said uniform accounting system shall conform to the accounting methods required by the federal government in respect to the administration of federal funds for assistance purposes.

SEC. 74.04.280 *Assistance Nontransferable and Exempt from Process.* Assistance given under this title shall not be transferable or assignable at law or in equity and none of the moneys received by recipients under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

SEC. 74.04.290 *Power to Subpoena Witnesses, Books, Records, Etc.* In carrying out any of the provisions of this title, the committee, the director, the board of county commissioners and the administrator shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

SEC. 74.04.300 *Recovery of Payments Improperly Received.* If a recipient receives public assistance

for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: *Provided*, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, the total assistance payment so obtained shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county clerk and county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within thirty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general: *Provided*, That if the portion of any public assistance payment to which the recipient is not entitled is less than ten dollars and is erroneously paid to the recipient as a result of departmental error or oversight, such amount shall not be recovered by the state by deduction from subsequent assistance payments to such persons.

SEC. 74.04.310 *Authority to Accept Contributions.* In furthering the purposes of this title, the director or any county administrator may accept contributions or gifts in cash or otherwise from persons, associations or corporations, such contributions to be disbursed in the same manner as moneys appropri-

ated for the purposes of this title: *Provided*, That the donor of such gifts may stipulate the manner in which such gifts shall be expended.

SEC. 74.04.330 *Annual Reports by Assistance Organizations—Penalty*. Every person, firm, corporation, association or organization receiving twenty-five percent or more of its income from contributions, gifts, dues, or other payments from persons receiving direct relief, work relief, home relief, old age assistance, federal-aid assistance, or any other form of public assistance from the state of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety days after the close of each calendar year, make a report to the director of the department of public assistance for the preceding year, which report shall contain:

(1) A statement of the total amount of contributions, gifts, dues, or other payments received;

(2) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;

(3) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any moneys were paid, and the amounts and purposes of such payments; and

(4) Every such report so filed shall constitute a public record;

(5) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this section by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

SEC. 74.04.340 *Federal Surplus Commodities—Certification of Persons Eligible to Receive Commodities.* The state department of public assistance is authorized to assist needy families and individuals to obtain federal surplus commodities for their use, by certifying, when such is the case, that they are eligible to receive such commodities. However, only those who are receiving or are eligible for public assistance or care and such others as may qualify in accordance with federal requirements and standards shall be certified as eligible to receive such commodities.

SEC. 74.04.350 ————*Not to Be Construed As Public Assistance, Eligibility Not Affected.* Federal surplus commodities shall not be deemed or construed to be public assistance and care or a substitute, in whole or in part, therefor; and the receipt of such commodities by eligible families and individuals shall not subject them, their legally responsible relatives, their property or their estates to any demand, claim or liability on account thereof. A person's need or eligibility for public assistance or care shall not be affected by his receipt of federal surplus commodities.

SEC. 74.04.360 ————*Certification Deemed Administrative Expense of Department.* Expenditures made by the state department of public assistance for the purpose of certifying eligibility of needy families and individuals for federal surplus commodities shall be deemed to be expenditures for the administration of public assistance and care.

Chapter 74.08

ELIGIBILITY GENERALLY—STANDARDS OF ASSISTANCE—OLD AGE ASSISTANCE

SEC. 74.08.025 *Eligibility for Public Assistance Generally.* Public assistance shall be awarded to any applicant:

- (1) Who is in need; and
- (2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and
- (3) Who is not an inmate of a public institution except as a patient in a medical institution and who is not a patient in an institution for mental disease or a patient in a medical institution because of a diagnosis of psychosis: *Provided*, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions.

SEC. 74.08.030 *Old Age Assistance Eligibility Requirements.* In addition to meeting the eligibility requirements of section 74.08.025, an applicant for old age assistance must be an applicant who:

- (1) Has attained the age of sixty-five, and
- (2) Has resided within the state of Washington for at least five years during the nine years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

SEC. 74.08.040 *Amount of Grant—Standards of Assistance.* Grants shall be awarded on a uniform state-wide basis in accordance with standards of assistance established by the department. The department shall establish standards of assistance for old age assistance, aid to dependent children, aid to the blind, and general assistance to unemployable persons which shall be used to determine an applicant's or recipient's living requirements and which shall include reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incident-

als. The total dollar value of the assistance budget shall, under average conditions, be not less than seventy-five dollars per month for an individual living alone; but a recipient shall not receive a grant of seventy-five dollars or more unless his actual requirements amount to seventy-five dollars. Grants shall be paid in the amount of requirements less all available income and resources which can be applied by the recipient toward meeting need, including shelter.

In order to determine such standards of assistance the department shall establish objective budgetary guides based upon actual living cost studies of the items of the budget. Such living cost studies shall be renewed or revised annually and new standards of assistance reflecting current living costs shall determine budgets of need. Any indicated adjustment in standards shall become effective not later than June 1st of 1953 and June 1st of each succeeding year.

The standards of assistance shall take into account the economy of joint living arrangements, and the department may, by rule and regulation, prescribe maximums for grants.

For general assistance to unemployed employable persons, the department shall establish standards of assistance based upon annual living cost studies and compatible with a minimum necessary for decent and healthful subsistence. Such standards shall permit the meeting of actual and emergent need on an individual basis.

SEC. 74.08.050 *Applications for Grants.* Application for a grant in any category of public assistance shall be made to the county office by the applicant or by another on his behalf, and shall be reduced to writing upon standard forms prescribed by the department, and a copy of the application upon such

standard form shall be given to each applicant at the time of making application.

SEC. 74.08.055 *Verification of Applications—Penalty.* Each applicant for or recipient of public assistance shall make an application for assistance which shall contain or be verified by a written declaration that it is made under the penalties of perjury. The director, by rule and regulation, may require that any other forms filled out by applicants or recipients of public assistance shall contain or be verified by a written declaration that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.

Any applicant for or recipient of public assistance who wilfully makes and subscribes any application, statement or other paper which contains or is verified by a written declaration that it is made under the penalties of perjury and which he does not believe to be true and correct as to every material matter shall be guilty of a felony.

SEC. 74.08.060 *Approval or Denial of Application—Applications Prior to Eligibility.* Whenever the department or an authorized agency thereof receives an application for a grant an investigation and record shall be promptly made of the facts supporting the application. The department shall be required to approve or deny the application within forty-five days after the filing thereof and shall immediately notify the applicant in writing of its decision: *Provided*, That if the department is not able within forty-five days, despite due diligence, to secure all information necessary to establish his eligibility, the department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the department shall pay his grant from date of authorization, or

forty-five days after date of application whichever is sooner.

Any person entitled to relief but under temporary disability from making application, or any person about to become sixty-five years of age or the parent of an unborn child who upon birth will become a dependent child may at any time after forty-five days prior to the occurrence of any of said events make application as herein provided.

SEC. 74.08.070 *Fair Hearing on Grievances—Procedure.* Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the director of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this transcript shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

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

At any time after the filing of the notice of appeal

with the director, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department in the case on appeal.

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

SEC. 74.08.080 *Court Appeal*. In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in section 74.08-.070, he shall have the right to appeal to the superior court of the county of his legal residence, which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within sixty days after the decision of the department has been affirmed or modified as provided in section 74.08.070. Upon receipt of the notice of appeal, the clerk of the superior court shall immediately docket the case for trial and no filing fee shall be collected of the appellant.

Within ten days after being served with a notice of appeal, the director shall give the appellant a copy of the transcript of testimony adduced at the fair hearing and shall file with the clerk of the court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue.

The court shall decide the case on the record.

The findings of the director as to the facts shall be conclusive unless the court determines that the evidence in the record preponderates against such findings.

The court may affirm the decision of the director or modify or reverse any decision of the director where it finds the director has acted arbitrarily,

capriciously, or contrary to law and remand the cause to the director for further proceedings in conformity with the decision of the court. Either party may appeal from the decision of the superior court to the supreme court of the state, which appeal shall be taken and conducted in the manner provided by law or by the rules of court applicable to civil appeals: *Provided*, That no bond shall be required on any appeal under this chapter. In the event that either the superior court or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the director or of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application, or in the case of a recipient, from the effective date of the decision from which he has appealed.

SEC. 74.08.090 *Rules and Regulations.* The department is hereby authorized to make rules and regulations not inconsistent with the provisions of this title to the end that this title shall be administered uniformly throughout the state, and that the spirit and purpose of this title may be complied with. The department shall have the power to compel compliance with the rules and regulations established by it. Such rules and regulations shall be filed with the secretary of state thirty days before their effective date, and copies shall be available for public inspection in the office of the department and in each county office.

SEC. 74.08.100 *Age and Length of Residence Verification.* Proof of age and length of residence in the state of any applicant may be established as provided by the rules and regulations of the department: *Provided*, That if an applicant is unable to establish proof of age or length of residence in the state by any other method he may make a statement under oath of his age on the date of application or

the length of his residence in the state, before any judge of the superior court or any justice of the supreme court of the state of Washington, and such statement shall constitute sufficient proof of age of applicant or of length of residence in the state: *Provided however*, That any applicant who wilfully makes a false statement as to his age or length of residence in the state under oath before a judge of the superior court or a justice of the supreme court, as provided above, shall be guilty of a felony.

SEC. 74.08.105 *Out-of-State Recipients*. No assistance payments shall be made to recipients living outside the state of Washington unless in the discretion of the director there is sound social reason for such out-of-state payments: *Provided*, That the period for making such payments when authorized shall not exceed the length of time required to satisfy the residence requirements in the other state in order to be eligible for a grant in the same category of assistance as the recipient was eligible to receive in Washington.

SEC. 74.08.112 *Old Age Assistance Grants Not Recoverable as Debt Due State—Exceptions*. Old age assistance grants awarded to an applicant under the laws of the state of Washington shall not be recoverable as a debt due the state, except where such funds have been received by the applicant contrary to law, or by fraud or deceit. Any and all claims accrued under the provisions of section 36, chapter 174, Laws of 1953 and RCW 74.08.111 are hereby renounced and declared to be null and void, except those claims which have accrued or which shall accrue on the basis of grants which have been received contrary to law, or by fraud or deceit.

SEC. 74.08.120 *Funeral Expenses*. The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services, includ-

ing necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby directed through the county offices to assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies and commissions. The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.

SEC. 74.08.210 *Grants Not Assignable Nor Subject to Execution.* Grants awarded under this title shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of bankruptcy or insolvency law.

SEC. 74.08.260 *Federal Act to Control in Event of Conflict.* If any plan of administration of this title submitted to the federal security agency shall be found to be not in conformity with the federal social security act by reason of any conflict of any section, portion, clause or part of this title and the federal social security act, such conflicting section, portion,

clause or part of this title is hereby declared to be inoperative to the extent that it is so in conflict, and such finding or determination shall not affect the remainder of this title.

SEC. 74.08.270 *Legislature to Appropriate Funds—Old Age Appropriations to Be Earmarked.* The legislature shall appropriate such funds as are necessary to carry out the purposes of this chapter: *Provided*, That any appropriation which the legislature may make for the payment of old age assistance grants shall be specifically earmarked for such purposes.

SEC. 74.08.278 *Central Operating Fund Established.* In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the director is authorized to make provisions for the cash payment of assistance by the director or county administrators by the establishment of a central operating fund. The director may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of general assistance in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the director and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the director of the department and the state auditor. Expendi-

tures from such fund shall be audited by the director of the budget and the state auditor from time to time and a report shall be made by the state auditor and the director as are required by law.

SEC. 74.08.280 *Payments to Persons Incapable of Self-Care.* If any person receiving public assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the director may direct the payment of the installments of public assistance to any responsible person or corporation or to a legally appointed guardian for his benefit: *Provided,* That if the state requires the appointment of a guardian for this purpose the department shall pay all costs and reasonable fees as fixed by the court.

SEC. 74.08.283 *Services Provided to Attain Self-Care—Old Oge Applicants and Recipients.* The department is authorized to provide such social and related services as are reasonably necessary to the end that applicants for or recipients of old age assistance are helped to attain self-care.

SEC. 74.08.290 *Suspension of Payments.* The department is hereby authorized to suspend temporarily the public assistance granted to any person for any period during which such person is not in need thereof.

If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

SEC. 74.08.295 *Assistance from More Than One Federal Aid Category Prohibited—Exception.* No person shall be eligible to concurrently receive assistance from more than one category of federal aid assistance to meet his own needs. This shall not be construed to prevent a recipient from receiving concurrently as grantee-relative assistance granted in

behalf of legal dependents if his needs are not covered by assistance given to such dependents.

SEC. 74.08.330 *Fraud—Assistance Procurement—Real Property Disposal—Penalty.* (1) Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, or failure to reveal resources as required by law, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which he is not entitled or greater public assistance than that to which he is justly entitled shall be guilty of larceny.

(2) Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the director shall be guilty of a gross misdemeanor.

SEC. 74.08.335. *Transfers of Property to Qualify for Assistance.* Public assistance shall not be granted under this title to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this title. Any person who shall have transferred or shall transfer any real or personal property or any interest in property within two years of the date of application for public assistance without receiving adequate monetary consideration therefor, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the director, shall be ineligible for public assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet his needs under normal conditions of living: *Provided,* That the director is hereby authorized to allow exceptions in

cases where undue hardship would result from a denial of assistance.

SEC. 74.08.338 *Real Property Transfers for Inadequate Consideration—Recovery of Assistance Payments.* When the consideration for a deed executed and delivered by a recipient is not paid, or when the consideration does not approximate the fair cash market value of the property, such deed shall be prima facie fraudulent as to the state. The attorney general upon request of the director shall file suit to rescind such transaction except as to subsequent bona fide purchasers for value. In the event that it be established by judicial proceedings that a fraudulent conveyance occurred, the value of any public assistance which may have been furnished may be recovered in any proceeding from the recipient or his estate.

SEC. 74.08.340 *No Vested Rights Conferred.* All assistance granted under this title shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act.

SEC. 74.08.370 *Old-Age Assistance Grants Charged Against General Fund.* All old-age assistance grants under this title shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant of the state auditor to be drawn upon vouchers duly prepared and verified by the director of public assistance.

SEC. 74.08.375 *Deposit of Federal Aid for Old-Age Assistance Moneys.* Any moneys which may be received by the state of Washington from the federal government as aid in defraying the cost of old-age assistance under this title shall be deposited in the

state treasury to the credit of the general fund but separate accounts shall be kept in order that the state may make such reports and render such accounting as may be required by the appropriate federal authority.

SEC. 74.08.380 *Acceptance of Federal Act.* The state hereby accepts the provisions of that certain act of the congress of the United States entitled, An Act to provide for the general welfare by establishing a system of federal old-age benefits, and by enabling the several states to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a social security board; to raise revenue; and for other purposes, and such other act with like or similar objects as may be enacted.

Chapter 74.09

MEDICAL CARE

SEC. 74.09.010 *Definitions.* As used in this chapter:

(1) "Department" means the department of public assistance.

(2) "Director" means the director of the department of public assistance.

(3) "Division" or "division of medical care" means the division of medical care of the department of public assistance.

(4) "Assistant director" means the supervisor of the division of medical care of the department of public assistance.

(5) "Internal management" means the administration of medical and related services to recipients of public assistance and medical indigent persons.

(6) "Medical indigents" are persons without in-

come or resources sufficient to secure necessary medical services.

(7) "Chapter" means chapter 74.09.

(8) "Nursing home" means nursing home as defined in RCW 18.51.010.

SEC. 74.09.020 *Declaration of Purpose.* The purpose of this chapter is to provide for more efficient administration of medical, dental and allied services to recipients of public assistance and medical indigent persons.

SEC. 74.09.030 *Responsibility of Division of Medical Care—Transfer of Records.* Administrative responsibility for providing for needed medical, dental and allied services to recipients of public assistance and medical indigents shall be the responsibility of the division of medical care.

SEC. 74.09.040 *Division of Medical Care Established—Qualifications of Assistant Director.* There is hereby established in the department of public assistance a division of medical care. The division of medical care shall be administered by an assistant director appointed by the director of the department in accordance with the state merit system or its successor. The assistant director may be a physician and shall be selected on the basis of his knowledge and understanding of administration and shall have demonstrated his ability therein.

SEC. 74.09.050 *Assistant Director's Responsibilities and Duties — Personnel — Medical Screeners.* The assistant director shall be directly responsible to the director and shall have charge and supervision of the division of medical care. With the approval of the director, he shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one

or more physicians who shall be appointed by the assistant director.

SEC. 74.09.060 *Rules and Regulations—Internal Organization of Division.* The assistant director in the exercise of his administrative responsibilities shall:

(1) Prepare and submit to the director rules, regulations and procedures for the exercise and performance of the administrative powers and duties vested in or imposed upon him, not inconsistent with the law.

(2) Determine, and from time to time alter when necessary, the internal organization of the division to promote maximum efficiency and economy.

SEC. 74.09.070 *Eligibility of Public Assistance Recipients and Medical Indigents.* The determination of eligibility of recipients for public assistance shall be the responsibility of the department.

Recipients of public assistance shall be entitled to such medical services as are defined by the assistant director, who shall consider the recommendations thereon of the welfare medical care committee.

The determination of eligibility of medical indigents shall be the responsibility of the division of medical care with consideration to the standards recommended by the welfare medical care committee. The division of medical care is empowered to employ the necessary personnel to carry out the standards established.

SEC. 74.09.080 *Methods of Performing Administrative Responsibilities.* In carrying out the administrative responsibility of this chapter, the division of medical care may contract with an individual or a group, may utilize existing local state public assistance offices, or establish separate welfare medical care offices on a county or multi-county unit basis as found necessary.

SEC. 74.09.090 *Use of County Institutions, Budgets—Charges to Noncovered Patients—Duties of Division.* (1) The division of medical care may utilize county hospitals and county infirmaries as determined necessary. County institutions so used shall submit a county hospitalization budget and/or infirmary budget to the director not less than forty days prior to the time county budgets are finally approved and adopted by the county commissioners. He shall consider the proposed budget or budgets and return it or them to the commissioners with his recommendations within thirty days of its receipt by him. The commissioners shall be empowered to adopt as the final budget the proposed budget or budgets as submitted by the board or boards of trustees, recommended budget or budgets of the director or such budget or budgets as the county commissioners themselves determine to adopt: *Provided*, That if the total of the budget or budgets as finally adopted shall be in excess of the total of the budget or budgets as recommended by the director, the said director may withhold from the county the amount of the excess over and above the total set forth in his recommended budget or budgets.

Any county infirmary so used shall comply with all rules and regulations of the Washington state department of health applicable to nursing homes adopted by the said department under authority of chapter 18.51.

County hospitals and county infirmaries financed by state funds shall be empowered to accept and care for eligible patients from any county in the state.

(2) Persons other than recipients or medical indigents who require hospital care for communicable disease, whether under quarantine or not, and persons sufficiently mentally disturbed or ill to be placed in a county hospital for observation, diagnosis

and/or treatment shall be required to pay for such hospital and medical care at the same rate as charged by nongovernmental hospitals and/or private physicians in the county where the hospital is located.

(3) Persons other than recipients or medical indigents who receive emergency medical or hospital care at a county hospital shall pay for such medical and/or hospital services or care at the same rate as charged by nongovernmental hospitals and private physicians in the county where the hospital is located.

(4) The division of medical care shall provide for necessary physicians' services and hospital care, considering the recommendations of the welfare medical care committee, and may provide such allied service as dental service, nursing home care, ambulance services, drugs, medical supplies, nursing services in the home, and other appliances, considering recommendations of the welfare medical care committee, who shall take into consideration the appropriations available.

(5) The division of medical care shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as the basis for need, and (b) for medical reports to be used in the evaluation of total and permanent disability. It shall further provide for medical consultation and assistance in determining the need for special diets, housekeeper and attendants' services, and other requirements as found necessary because of the medical condition under rules promulgated by the director after considering the recommendation thereon of the welfare medical care committee.

SEC. 74.09.100 *State Welfare Medical Care Committee.* There is hereby established a state welfare medical care committee composed of twelve members, six members representing the major providers

of medical service, one a legislator, one a county commissioner, and the remaining four from the public. Members shall be appointed by the governor and serve at his pleasure and they shall be entitled to actual and necessary travel expenses, together with actual and necessary subsistence expenses not to exceed ten dollars per day, while carrying out the functions of this committee.

The committee shall advise and give assistance to the director and assistant director in planning and carrying out the most efficient and economical welfare medical care program. It shall assist the director and assistant director in preparing and presenting the biennial appropriation request to the governor and the legislature.

SEC. 74.09.110 *Administrative and Professional Personnel—Professional Consultants and Screeners.* The division of medical care shall employ administrative personnel in both state and local offices and employ the services of professional screeners and consultants as found necessary to carry out the proper administration of the program.

SEC. 74.09.120 *Purchases of Services, Care, Supplies.* The division of medical care shall purchase necessary physician and dentist services by contract or "fee for service." The division of medical care shall purchase hospital care by contract or by all inclusive day rate, or at not more than the minimum ward rate of each hospital after approval of the rate by the division of medical care. Any hospital when requested by the division of medical care shall supply such information as necessary to justify its rate. All additional services provided by the hospitals shall be purchased at rates established by the division of medical care after consultation with the hospital. The division of medical care shall purchase nursing home care by contract or at not more than the minimum ward rate of each nursing home. Any

nursing home when requested by the division of medical care shall supply such information as necessary to justify this rate. All additional services provided by the nursing home shall be purchased at rates established by the division of medical care after consultation with the nursing home.

All other services and supplies, including drugs, provided under the program shall be secured generally through customary trade channels in accordance with contracts between the vendor and the division of medical care.

SEC. 74.09.130 *Minimum Standards, Rules, Policies—Filing.* The state welfare medical care committee may make recommendations for the minimum standards of care to be provided by the various vendor groups and other standards and rules and regulations as may be necessary to carry out the provisions of this chapter. Such rules, regulations and standards prescribed shall be submitted to the assistant director for his consideration. If approved by the director they shall be filed with the secretary of state and shall become effective thirty days thereafter.

The committee shall further advise the division of medical care on policies and rules and regulations governing the administration of the program.

SEC. 74.09.140 *Statistical and Financial Analysis.* The department shall biennially provide the committee, the governor and the legislature with a full statistical and financial analysis of the program which shall set forth the amount of service provided, utilization and expenditures by groups served, and kind of services provided and other pertinent information.

SEC. 74.09.150 *Personnel to Be Under Existing Merit System.* All personnel employed in the administration of the medical care program shall be

covered by the existing merit system under the state personnel board or its successor.

SEC. 74.09.160 *Presentment of Charges by Contractors—Revolving Funds.* Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the division of medical care and the individual or group on a monthly basis and shall present their final charges not more than sixty days after the termination of service. If the final charges are not presented within the sixty day period they shall not be a charge against the state unless previous extension in writing has been given by the division of medical care.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one, several, or all public assistance programs as deemed most advantageous by the director for the best interests of the state: *Provided*, That in the event such fund, or funds is, or are dissolved, the federal government shall be reimbursed for its proportionate share of contributions into such fund or funds.

SEC. 74.09.170 *Availability of Records and Reports of Department.* All of the records and reports of the department of public assistance relative to the administration of the program covered by this chapter shall be available to the state welfare medical care committee, subject to all restrictions of confidentiality of section 74.04.060.

SEC. 74.09.180 *Chapter Does Not Apply Where Third Party Liable—Exception, Subrogation.* The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: *Provided, however,* That the director of the department of public assistance may, in his discretion, furnish assistance, under the provisions of this chapter, for the results of injuries to a recipient, and the department of public assistance shall thereby be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished by the department of public assistance.

SEC. 74.09.190 *Construction of Chapter—Religious Beliefs.* Nothing in this chapter shall be construed as empowering the director to compel any recipient of public assistance and a medical indigent person to undergo any physical examination, surgical operation, or accept any form of medical treatment contrary to the wishes of said person who relies on or is treated by prayer or spiritual means in accordance with the creed and tenants of any well recognized church or religious denomination.

SEC. 74.09.900 *Other Laws Applicable.* All the provisions of Title 74, not otherwise inconsistent herewith, shall apply to the provisions of this chapter.

Chapter 74.10

DISABILITY ASSISTANCE

SEC. 74.10.010 *Disability Assistance—Administration—Intent.* There is hereby created a new category of federal aid assistance to be known as disability assistance to be administered on a uniform statewide basis by the state department of public assistance. The legislature hereby expresses its intention to comply with the federal requirements under the provisions of public law 734 (64 Statutes at

Large 548) creating a new category of assistance in order to secure federal matching funds for such a program.

SEC. 74.10.020 *Eligibility.* In addition to the eligibility requirements under section 74.08.025, disability assistance grants will be awarded on a uniform state-wide basis to an applicant who is:

(1) Permanently and totally disabled as defined by the state department of public assistance and such definition is approved by the federal security agency for federal matching funds, and

(2) Eighteen years of age or over, and

(3) Has been a resident of the state of Washington for one year prior to the date of application, and

(4) Willing to submit himself to such examinations as are deemed necessary by the state department of public assistance to establish the extent and nature of his disability.

SEC. 74.10.030 *Amount of Assistance—Dependents.* In determining the amount of assistance to which an eligible applicant or recipient shall be entitled, the department of public assistance is authorized to include the needs of such applicant's or recipient's legal dependents if they are not concurrently receiving another type of public assistance.

SEC. 74.10.070 *Restoration to Health and Independence—Services Provided.* The department is authorized to provide through employment of properly qualified personnel such social and related services as are found necessary for proper administration of this chapter and to the end that applicants for or recipients of disability assistance are helped to attain self-care and/or self-support by effective use of all resources for rehabilitation and restoration to health and independence. The department of public assistance shall refer recipients who can be benefited thereby to the appropriate public and private re-

sources for rehabilitation through retraining, restorative services, treatment and therapy.

Chapter 74.11

VOCATIONAL REHABILITATION OF NONDISABLED

SEC. 74.11.010 *Purpose.* This chapter provides for the return to full or partial self-support of non-disabled recipients of public assistance whose capacity to earn a living is impaired.

SEC. 74.11.020 *Definitions.* As used in this chapter:

- (1) "Nondisabled person" means an individual:
 - (a) Who does not have a substantial physical or mental handicap;
 - (b) Who is receiving public assistance and may be expected to remain a public charge of the state; and
 - (c) Who is "vocationally handicapped," because of lack of training, experience, skills, or other factors which, if corrected, would lead to self-support instead of dependency.
- (2) "Board" means the state board for vocational education and includes the division of vocational rehabilitation of the "board".

SEC. 74.11.030 *Persons Eligible.* To be eligible for vocational rehabilitation under this chapter, a person must:

- (1) Be a "nondisabled person," as defined in section 74.11.020; and
- (2) Either be responsible for his own maintenance, or be the responsible head of a household; and
- (3) Have a potential capacity which would warrant development with a reasonable chance for employment after rehabilitation services; and
- (4) Be accessible to services, or be willing to

move if necessary to take advantage of the services offered; and

(5) Be referred by a public assistance agency.

The public assistance agency, referring a nondisabled person for vocational rehabilitation, shall forward with such referral any medical, psychiatric, social, financial, or other information that the board may request.

SEC. 74.11.040 *Powers and Duties of Board.* The board shall:

(1) Disburse all funds provided by law, and all funds obtained from private and other sources, that are unconditionally offered for the rehabilitation program provided for by this chapter;

(2) Appoint and fix the compensation of the personnel necessary to administer this chapter;

(3) Vocationally rehabilitate and place in remunerative occupation, insofar as it is deemed possible and feasible, persons eligible for the benefits of this chapter;

(4) Provide for the training of personnel as may be needed to carry out and to develop vocational rehabilitation services for the rehabilitation of those eligible for the benefits of this chapter;

(5) Make such rules and regulations as may be deemed necessary for the administration of this chapter.

SEC. 74.11.050 *State Treasurer Designated Custodian of Funds.* The state treasurer is designated custodian of all moneys received from appropriations, or otherwise, for purposes of this chapter, and is authorized to make disbursements therefrom upon the order of the board.

SEC. 74.11.060 *Procedure for Planning Program.* The board is authorized to co-operate with other agencies in carrying out the provisions of this chapter and may formulate a plan of co-operation with the state department of public assistance.

SEC. 74.11.070 *Acceptance of Federal Acts.* The state of Washington accepts the provisions and benefits of any acts of congress which provide for the rehabilitation of nondisabled persons as defined in section 74.11.020.

SEC. 74.11.900 *Severability.* If any clause, sentence, or section of this chapter shall be held ineffective or unconstitutional, such ineffective clause, sentence, or section shall not affect the constitutionality of the remaining portions of this chapter.

Chapter 74.12

AID TO DEPENDENT CHILDREN—CHILD WELFARE SERVICES

SEC. 74.12.010 *Definitions.* For the purposes of the administration of aid to dependent children assistance, the term "dependent child" means a child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place or residence maintained by one or more of such relatives as his or their homes.

"Aid to dependent children" means money payments and services with respect to a dependent child or dependent children and the needy parents or relatives with whom the child lives.

SEC. 74.12.030 *Eligibility.* In addition to meeting the eligibility requirements of section 74.08.025, an applicant for aid to dependent children must be a needy child:

- (1) Who has resided in the state for one year immediately preceding application; or
- (2) Who was born within the last year, and

whose parent, or other relative, with whom he lives has lived in this state for a year immediately preceding his birth; or

(3) Whose parent or other relative with whom he lives has been a resident of this state for one year immediately preceding application.

SEC. 74.12.130 *Child Welfare Services.* The department shall:

(1) Co-operate with the federal government, its agencies or instrumentalities, in developing, administering, and supervising a plan for establishing, extending aid to, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent;

(2) Accept custody of children and provide for the care of children in need of protective services, directly or through its agents, following, in general, the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such dependent children as are accepted by the department as eligible for support at a reasonable rate established by the department; and

(3) Receive and expend all funds made available by the federal government, the state or its political subdivisions for such purposes.

SEC. 74.12.230 *Source of Funds.* The funds necessary to carry out the provisions of this chapter shall be made available from the revenues provided by the federal, state and county governments for public assistance.

SEC. 74.12.240 *Services Provided to Help Attain Maximum Self-support and Independence of Parents and Relatives.* The department is authorized to provide such social and related services as are reasonably necessary to encourage the care of dependent

children in their own homes or in the homes of relatives, to help maintain and strengthen family life and to help such parents or relatives to attain maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. In the provision of such services, maximum utilization of other agencies providing similar or related services shall be affected.

Chapter 74.14

CHILD WELFARE AGENCIES

SEC. 74.14.010 *Definitions.* For the purpose of this chapter, unless otherwise clearly indicated by the context, the terms used shall have the following meanings:

(1) "Department" means the state department of public assistance.

(2) "Director" means the director of the state department of public assistance.

(3) "Children's staff" means personnel of the department specially qualified in and responsible for the direction of services for children.

(4) "Agency" is defined as any person, firm, association or corporation, or any private institution, but not including foster homes, which receives for control, care, placement, or maintenance, minor children, and not including in the case of an individual, children related to such persons or under guardianship, but shall include within its scope the following:

(a) A children's institution is defined as an establishment which is maintained and operated for the group care of children or which may accept custody and responsibility as required for the welfare of children under care. It shall not apply to any boarding school which is essentially and primarily engaged in educational work characterized by having education as its only function, operating on a definite school year schedule, following a stated academic curricu-

lum, accepting only school-age children, and not accepting custody of children; nor to any nonprofit institution which is operated under adequate local control by an established board of laymen or by a church organization.

(b) A child-placing agency is defined as an agency, society, association, institution or person not related by blood to the child placed, which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption.

An agency, society, association or institution which is not operated for profit and which is operated under adequate local control by an established board of laymen or a church organization and which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption shall not be considered a child-placing agency within the terms of this chapter.

(c) A maternity home is an institution or place of residence the primary function of which is to give care to illegitimately pregnant girls or women, before or during confinement, or which provides care as needed to mothers and their infants after confinement, with or without compensation.

(d) A day nursery is an institution which provides care during the day for a group of children with or without compensation. Its primary function is to give care and supervision to children in need of supplemental parental care during the day whose own families are unable to provide this daytime care. A day nursery shall not mean a nursery school which is essentially and primarily engaged in educational work with preschool children whose parents send the child to the nursery school only for education, the child not being in need of supplemental parental care: *Provided*, That nothing in this chapter shall

be construed to cover the care of a neighbor's, relative's, or friend's child or children with or without monetary consideration where the person does not regularly engage in such activity or where parents on a mutually cooperative basis exchange care of one another's children. It shall not include any agency operated by another state department or governmental agency, or by a church organization.

SEC. 74.14.020 *Standards for Child Welfare Agencies.* The department shall have the power, and it shall be its duty through the children's staff of the department:

(1) To promulgate standards as follows:

(a) Practices and policies of the applicant must provide adequately for the protection of the health, safety, physical, moral and mental well-being of the children cared for by the applicant or licensee.

(b) The applicant or licensee or the person charged with the active management must be persons of good character.

(c) The applicant or licensee must employ an adequate number of capable persons qualified by education or experience to render the type of care for which the applicant seeks a license.

(d) The applicant or licensee must have adequate physical facilities for the purpose for which the applicant seeks a license.

(2) To promulgate and publish rules and regulations in implementation of these standards governing the issuance of and renewal of licenses.

(3) To inspect and evaluate all applicants or licensees to determine whether or not there is compliance by such applicant or licensee with the applicable rules and regulations and standards.

(4) To consult with licensees and those applying for a license in order to help them improve their methods and facilities of child care.

(5) To prescribe the form and content of reports necessary for the administration of this chapter and to require regular reports from each licensee.

The applicant or licensee must carry an adequate liability and property damage insurance policy in such amount as may be determined by the director.

SEC. 74.14.030 *License Application, Issuance, Expiration, Renewal.* Applicants for a license as provided for in this chapter shall make application to the state department of public assistance on forms provided by the department. Upon receipt of such an application the department shall have a reasonable time in which to determine whether or not a license should be granted. The licenses provided for in this chapter shall be issued for a period of one year. If a licensee desires to apply for a renewal of its license a request for a renewal shall be filed three months prior to the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall be deemed to be automatically and temporarily renewed until such time as the department shall act.

SEC. 74.14.040 *License Issuance, Expiration, and Renewal.* On receipt of an application showing compliance with all of the requirements of this chapter and all the rules and regulations of the department, a license for a period of one year shall be granted by the department. If a licensee desires to apply for a renewal of its license, a request therefor shall be filed three months prior to the expiration date.

SEC. 74.14.050 *Fire Protection—Fire Marshal's Certificate Required.* Fire protection with respect to all agencies to be licensed hereunder shall be the responsibility of the state fire marshal. In this connection the state fire marshal shall adopt, promulgate, and enforce such rules and regulations as may be designed to protect the occupants from fire hazards,

and he shall make or cause to be made such inspections and investigations as he deems necessary.

Each applicant for a license shall submit to the department of public assistance a certificate of approval from the state fire marshal that rules and regulations for fire protection as established by him have been met before a license can be issued.

SEC. 74.14.060 *Health Protection — Board of Health Certificate Required.* The state board of health with the advice of representatives of voluntary agencies subject to this chapter and the state department of public assistance shall adopt and promulgate such rules, and regulations with respect to all child welfare agencies to be licensed hereunder as is deemed necessary to promote and protect the health of all children residing therein.

(1) Except as provided in subdivision (2) of this section the health rules and regulations of the state board of health shall be enforced by the state department of health.

(2) Any city, county, or district health department, which employs a full-time health officer, may make application in writing to the state director of health for a certificate of approval to enforce the rules and regulations of the state board of health within the area of its jurisdiction. Upon receipt of such application the state director of health shall investigate and determine whether the city, county, or district health department is entitled to such approval and if so the state director of health shall issue the certificate applied for. Upon receipt of such certificate of approval the local health department shall have full authority through the health officer to perform all the duties relative to the enforcement of the rules and regulations of the state board of health. Any certificate of approval may be canceled by the state director of health after thirty days notice in writing to the holder of the certificate

of approval should it be found that such holder is incompetent or unable to enforce the rules and regulations of the state board of health.

(3) The state department of health or the local health department having authority shall make or cause to be made such inspections and investigations of child welfare agencies as is deemed necessary, and each applicant for a license shall submit to the department a certificate of approval from the state or local health department that rules and regulations for health as established by the state board of health have been met before a license can be issued.

SEC. 74.14.070 *Provisional Licenses.* The department may issue provisional licenses to applicants for a license, or licensees who are unable to conform to all the rules and regulations of the department as established pursuant to sections 74.14.020, 74.14.050, and 74.14.060. No provisional license may be issued unless the applicant makes at least minimum provision for the health and safety of the child and unless the department finds that an emergent need exists for the type of service the applicant proposes to render. Such provisional license shall in no event be issued for a period in excess of six months and shall not be subject to renewal.

SEC. 74.14.080 *License—Denial, Suspension, Revocation—Hearing.* (1) Any license issued pursuant to this chapter may be denied, suspended or revoked by the director upon proof (a) that the licensee has failed or refused to comply with the provisions of this chapter or the rules and regulations promulgated pursuant to the provisions of this chapter, or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses.

(2) Whenever the director shall have reasonable cause to believe that grounds for the denial, suspen-

sion or revocation of a license exists or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

The director shall promulgate and publish rules and regulations governing the conduct of hearings. Within fifteen days from the receipt of notice of the grounds for denial, suspension, revocation or lack of renewal the licensee may serve upon the director a written request for hearing. Service of a request for hearing may be made by registered mail. Upon receiving a request for hearing the director shall fix a date upon which the matter may be heard, which date shall be not more than thirty days from the receipt of the request for such hearing and shall give the licensee at least fifteen days written notice of said hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the department within thirty days after the date of the hearing to notify the appellant of the decision of the director.

SEC. 74.14.090 *Appeal from Denial, Suspension or Revocation of License.* In the event that an applicant or licensee feels aggrieved by the decision rendered in the hearing provided for in section 74.14.080, he shall have the right to appeal to the superior court of the county of his legal residence which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within fifteen days after the decision of the department. Upon receipt of the notice of appeal, the clerk of the superior court shall immediately docket the case for trial.

Within ten days after being served with a notice of appeal the director shall file with the clerk of the

court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue.

The court shall decide the case on the record. The findings of the director as to the facts shall be conclusive unless the court determines that such findings are not supported by a preponderance of the evidence in the record.

The court may affirm the decision of the director or reverse any decision of the director where it finds the director has acted arbitrarily, capriciously or contrary to law, and remand the cause to the director for further proceedings in conformity with the decision of the court. Either party may appeal from the decision of the superior court to the supreme court of the state, which appeal shall be taken and conducted in the manner provided for by law or by the rules of the court applicable to civil appeals.

SEC. 74.14.100 *Articles of Incorporation and Amendments—Copies to Be Furnished the Department.* A copy of the articles of incorporation or amendment of the articles of existing corporations for agencies shall be sent by the secretary of state to the department of public assistance at the time such articles are filed.

SEC. 74.14.110 *Access to Agencies, Records.* It is the duty of all agencies, pursuant to this chapter, to accord the department or its agents the right of entrance, privilege of inspection, and access to its records of work for the purpose of ascertaining the kind and quality of work done and of obtaining a proper basis for its recommendations.

SEC. 74.14.120 *“Foster Home” Defined—Exceptions.* The term “foster home” as used in this chapter shall mean a family home which is operated with or without compensation to provide care on a twenty-four hour basis or during a period of twenty-

four hours a day in lieu of the child's own home. It shall not include within its scope the occasional care of a neighbor's, relative's or friend's child or children with or without compensation or where the person does not regularly engage in such activity or where the parents on a mutually co-operative basis exchange care of one another's children.

SEC. 74.14.130 *Foster Homes—Certificate of Approval—Standards—Supervision.* The department shall have the power, and it shall be its duty, through the children's staff of the department:

(1) To issue and renew licenses to applicants who have complied with the following standards either directly or through the county offices of the state department acting for the department or licensees of the department as prescribed by rules and regulations.

(a) The applicant for a certificate of approval as a foster home must be a person of good character.

(b) The foster home care of the applicant must provide adequately for the protection of the health, safety, physical, mental and moral well-being of the child or children to be cared for by the applicant.

(2) To promulgate and publish rules and regulations in implementation of these standards governing the issuance and renewal of certificates of approval.

(3) To inspect and supervise all foster homes to enforce the application of the rules and regulations.

(4) To deny, revoke or suspend the certificate of approval of any foster home which has failed or refused to comply with the provisions of this chapter or the rules and regulations promulgated pursuant to this chapter.

SEC. 74.14.140 *Action Against Unlicensed Agencies and Homes Authorized.* Notwithstanding the existence or pursuit of any other remedy, the department of public assistance may, in the manner pro-

vided by law, upon the advice of the attorney general who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or other process against any person, partnership, association, or corporation, or any private institution, agency or foster home, which shall hereafter give temporary or permanent care or custody to a child or children, or an illegitimate pregnant woman or women not related by blood, marriage or adoption to such person, without having a license from the department or a certificate of approval as a foster home, or who shall place for temporary or permanent care or for adoption, a child or children not related to him by blood, marriage or adoption without having a license or certificate of approval, as heretofore provided in this chapter.

SEC. 74.14.150 *Agencies, Homes Conducted by Religious Organizations—Application of Chapter.* Nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents of any agency, children's institution, child placing agency, maternity home, day or hourly nursery, foster home or other related institution 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, nor shall the existence of any of the above conditions militate against the licensing of such a home or institution.

Chapter 74.16

AID TO BLIND PERSONS

SEC. 74.16.011 *Advisory Committee for the Blind.* There is hereby created an advisory committee for the blind to be composed of three members. The

committee shall act as an advisory committee to the department of public assistance on all matters pertaining to the blind. The director shall appoint the three members of the committee for terms of two, four and six years respectively. Thereafter each member of the committee shall be appointed for a term of six years; except in the case of a vacancy in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs. Each of the three members of the committee shall receive his actual necessary traveling and other expenses in going to, attending and returning from the meetings of his committee. Appointment to the committee shall be made on the basis of a recognized interest in and a demonstrated knowledge of the problems of the blind. All members of the committee shall be blind. The committee shall make recommendations as to procedures and policies affecting any problem of the blind before the department. The committee shall advise such services, activities, programs, investigations and researches as in its judgment shall contribute to the welfare of blind persons. The department shall seek the advice of and consult with the committee on problems and policy changes affecting the blind within the department's jurisdiction; and the committee may initiate consultations with the department.

SEC. 74.16.030 *Eligibility.* In addition to meeting the eligibility requirements of section 74.08.025, an applicant for aid to the blind assistance must be an applicant:

(1) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

(2) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the per-

formance of ordinary activities for which eyesight is essential;

(3) Who has resided in this state for five years during the ten years immediately preceding the date of application, or who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight except for any temporary absence from the state incident to receiving treatment for the injury or disease causing loss of sight or for the attempt of restoring sight;

(4) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: *Provided*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

SEC. 74.16.040 *Examination of Applicant's Eyes.* Examination of the applicant's eyes by an ophthalmologist or physician skilled in diseases of the eye or by a licensed optometrist shall be provided without charge to the applicant for aid to the blind assistance.

SEC. 74.16.170 *Prevention of Blindness.* In cooperation with the department of public health, there shall be established and maintained such service as is needed looking toward the prevention of blindness, the purpose of which shall be to determine the causes of blindness, and to inaugurate and co-operate in any preventive measures for the state of Washington as may appear practicable. Whenever a blind or partially blind person can be benefited by medical or surgical treatment for which he is unable to pay,

arrangement shall be made for an examination, with the consent of the individual, and for the necessary treatment by an ophthalmologist or physician skilled in the diseases of the eye.

SEC. 74.16.180 *Vocational Training.* The department may maintain or cause to be maintained, in cooperation with the division of vocational rehabilitation of the state board of vocational education, services for vocational aid and training the objects of which shall be:

(1) To place blind persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor;

(2) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries;

(3) To establish and/or maintain one or more training schools and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind person and to devise means for the sale and distribution of the products thereof;

(4) To arrange for special education and/or training in the trades, business or professions under a vocational plan, and if the same cannot be obtained within the state arrangements shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state shall be furnished where there is need;

(5) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials and/or machinery to them, and/or by providing them with financial assistance to enable them to take advantage of all laws of the United States providing assistance and aid to the blind, in the form of matching funds, and also

(6) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living.

SEC. 74.16.190 *Home Industries Revolving Fund.* The department may create an operating fund of fifteen thousand dollars from any money appropriated for the blind to be used to create a home industries revolving fund for the purpose of advancing the cost of production and wages for the blind engaged in industry under the supervision of the department and to promote the sale of articles produced by such industry. All moneys received from the sale of articles produced in industries of the blind under the supervision of the department shall be deposited in the home industries revolving fund.

SEC. 74.16.200 *Self-support Aid—General qualifications For.* Aid shall be granted under the provisions of sections 74.16.200 through 74.16.290 to the applicant who:

(1) Has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

(2) Is blind; that is, who is unable, by reason of loss or impairment of sight, to provide himself fully with the necessities of life;

(3) Is without income and resources through his own means, as defined under sections 74.16.200 through 74.16.290, sufficient to provide a reasonable and decent standard of living;

(4) Has been a resident of this state for a period of three years immediately preceding the filing of his application if he is between the ages of sixteen and twenty-one, or if over twenty-one who has been a resident for at least five years within the ten years immediately preceding the date of such application; or who has become blind while a resident of this state and has been a resident of this state for a period

of six months immediately preceding the filing of his application;

(5) Is not an inmate of an institution, supported in whole or in part by this state or any of its political subdivisions: *Provided*, That a patient of a public hospital, for a period not exceeding thirty days, or an employee of a shop which, though supported by this state, does not furnish board and room, or a student attending any public high school or institution of higher learning, shall not be considered such an inmate: *And provided*, That any person may apply for aid under sections 74.16.200 through 74.16.290 while he is such an inmate and may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate: *And provided further*, That if a recipient becomes ineligible for aid because of confinement in an institution or hospital, the order suspending his aid shall provide for its restoration if he is eligible immediately upon his discharge;

(6) Does not publicly solicit alms, whether in person or by proxy, and whether by the wearing, carrying, or exhibiting of signs denoting blindness for the purpose of securing alms, or by the carrying of receptacles therefor, or by begging;

(7) Is not a recipient of aid under the old age assistance or aid to the needy blind laws of this state; and

(8) Possesses a reasonably adequate plan for self-support and gives evidence that he is attempting to carry out that plan through a sincere and sustained effort.

SEC. 74.16.210 ————*False Statement to Procure—Fraud—Penalty*. Any person who, in order to obtain for himself or another the aid provided in sections 74.16.200 through 74.16.290, knowingly makes a false statement under oath shall be deemed guilty of perjury. Any aid or portion thereof fraudu-

lently obtained under sections 74.16.200 through 74.16.290 shall be restored to this state by the recipient and all actions necessary to secure restoration may be brought against him.

SEC. 74.16.220 ————*Application For—Investigation—Review.* The applicant shall file with the county office of the state department of public assistance an application, accompanied by an affidavit signed by himself, stating his age, sex, places of residence, his financial resources and income, the degree of his blindness, how long he has been blind, what employment and education he has had, his general physical condition, and such other statistical data as may be essential to determine eligibility, and a statement of his plan looking toward self-support.

Investigation shall be completed within thirty days from date of application and written notice of the decision shall be given the applicant. Failure to complete determination of eligibility may be considered a denial.

If upon investigation, the county office of the state department of public assistance determines that the applicant is eligible for “self-supporting” aid under sections 74.16.200 through 74.16.290, it shall grant such aid the first of the month following completion of eligibility.

The county office of the state department of public assistance shall review the case of each recipient at least once annually and shall redetermine whether he is eligible for aid under this section.

SEC. 74.16.230 ————*After-acquired Resource—Report—Effect.* If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of assistance it shall be the duty of the recipient immediately to notify the local administrative office of the receipt or possession of such property or income

and the local administrative board may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into possession of such property or income and in excess of his need shall be recoverable by the state as a debt due to the state.

SEC. 74.16.240 ————*Maximum Property Allowable—Definitions.* No blind person shall receive “self-supporting” aid under the provisions of sections 74.16.200 through 74.16.290, who owns personal or real property, or both, the assessed valuation of which, less all encumbrances thereon of record, is in excess of four thousand dollars.

The term “personal property” shall not include a policy or policies of life insurance on the life of the applicant or recipient, which has or have been in effect at least five years prior to the date of application if cash surrender value of the policy or policies does not exceed one thousand dollars.

No life insurance policy shall be valued at more than its cash surrender value to the applicant or recipient. Premiums paid on life insurance policies by other persons shall not be deemed income or resources and no deductions therefor shall be made from the amount of aid granted under sections 74.16.200 through 74.16.290.

Nor shall the term “personal property” include interment plots, or money placed in trust or insurance for interment or funeral expenses, or any contract rights connected therewith, if such money, insurance, or contract rights does not exceed five hundred dollars in value.

An applicant’s or recipient’s share of any estate, which share has not been distributed, and of which he has no present economic use, does not constitute property for the purpose of sections 74.16.200 through 74.16.290.

Any proceeds from involuntary conversion of real property into personal property (such as from condemnation or eminent domain proceedings) received by a self-supporting recipient shall be considered real property for a period of one year from the time of its receipt.

SEC. 74.16.250 ————*Amount of Aid—Determination.* A recipient shall be entitled to that amount of aid which, when added to his net annual income in excess of twelve hundred dollars, shall equal not more than eighty dollars per month: *Provided,* That for every dollar a recipient earns in excess of twelve hundred dollars, fifty cents shall be deducted from the eighty dollar monthly grant.

Net income from any one or more of the following sources shall be considered in computing the total value of twelve hundred dollars per annum:

- (1) Income from applicant's or recipient's labor or services;
- (2) The value of foodstuffs produced by him or his family for the use of himself or that of his family;
- (3) The value of firewood and/or water produced on his own premises or given to him by another for his use;
- (4) The value of gifts;
- (5) The value of the use and occupancy of premises owned and occupied by him;
- (6) The net income from real and personal property owned by him;
- (7) Cash income from any other source.

SEC. 74.16.260 ————*Treatment and Operations Available.* The privilege of treatment and operations for the prevention of blindness or the restoration of sight available to the needy blind shall be available to the persons receiving self-supporting aid under sections 74.16.200 through 74.16.290.

SEC. 74.16.270 ————*Aid Funds Inalienable—Except from Creditors.* All aid given under sections 74.16.200 through 74.16.290, shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise, and in case of bankruptcy, the aid shall not pass through any trustee or other person acting on behalf of creditors.

SEC. 74.16.280 ————*Appeal from Denial of Aid.* If the blind person's application for "self-supporting" aid is denied, he or she shall have the right to appeal in the same manner as provided for appeals by a "needy" blind person from an adverse ruling or decision of the state department of public assistance.

SEC. 74.16.290 ————*Administration—Co-operation for Federal Assistance.* The administration of "self-supporting" aid for blind persons is vested in the state department of public assistance and in the counties to be administered in accordance with the provisions of law applicable to aid to the needy blind. Unless otherwise expressly provided in sections 74.16.200 through 74.16.290, all provisions of law applicable to the powers and duties of the department and the counties with respect to the needy blind shall apply to the powers and duties of the department and the counties with respect to "self-supporting" aid provided herein.

The department of public assistance, through the division of the blind, shall supervise the administration of the provisions herein.

The state director of the department of public assistance is hereby empowered and authorized to co-operate with the United States government or any of its agencies in any reasonable manner as may be necessary to qualify for federal assistance to the "self-supporting" blind.

SEC. 74.16.296 ————*Purpose.* The purpose of sections 74.16.200 through 74.16.290 is to provide a

plan for this state whereby the blind residents of this state may be encouraged to take advantage of and to enlarge their economic opportunities, to the end that they may render themselves independent of public assistance and become entirely self-supporting.

To achieve this objective, resources and income beyond the necessities of bare decency and subsistence are required. Sections 74.16.200 through 74.16.290, by allowing the retention of necessary income and resources by those of the blind showing a reasonable probability of being able and willing to undertake the acquisition of resources and income necessary for self-support, will encourage them in their efforts to become self-supporting.

SEC. 74.16.297 ————*Construction.* The provisions of sections 74.16.200 through 74.16.290 shall be liberally construed to effect its objects and purposes.

SEC. 74.16.300 *Services Provided to Help Attain Self-care.* The department is authorized to provide social and related services as are reasonably necessary to the end that applicants for or recipients of aid to the blind assistance are helped to attain self-care.

Chapter 74.98

CONSTRUCTION

SEC. 74.98.010 *Continuation of Existing Law.* The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 74.98.020 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

SEC. 74.98.030 *Invalidity of Part of Title Not to Affect Remainder.* If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

SEC. 74.98.040 *Purpose.* It is the purpose and intent of this title to provide for the public welfare by making available, in conjunction with federal matching funds, such public assistance as is necessary to insure to recipients thereof a reasonable subsistence compatible with decency and health.

SEC. 74.98.050 *Repeals and Savings.* The following acts or parts of acts are repealed:

- (1) Sections 1 through 11, pages 395 through 397, Laws of 1854;
- (2) Section 19, page 422, Laws of 1854;
- (3) Sections 2680 and 2696 through 2706, Code of 1881;
- (4) Chapter 135, Laws of 1915;
- (5) Chapter 72, Laws of 1921;
- (6) Chapter 8, Laws of 1933;
- (7) Chapter 29, Laws of 1933;
- (8) Chapter 65, Laws of 1933;
- (9) Chapter 102, Laws of 1933;
- (10) Sections 2 through 7, chapter 172, Laws of 1933;
- (11) Chapter 77, Laws of 1935;
- (12) Chapter 106, Laws of 1935;
- (13) Chapter 110, Laws of 1935;
- (14) Chapter 118, Laws of 1935;
- (15) Sections 1 through 29, and 31, chapter 182, Laws of 1935;
- (16) Chapter 111, Laws of 1937;
- (17) Chapter 114, Laws of 1937;
- (18) Chapter 132, Laws of 1937;
- (19) Chapter 156, Laws of 1937;
- (20) Chapter 180, Laws of 1937;

- (21) Chapter 25, Laws of 1939;
- (22) Chapter 75, Laws of 1939;
- (23) Chapter 216, Laws of 1939;
- (24) Chapter 1, Laws of 1941;
- (25) Chapter 128, Laws of 1941;
- (26) Chapter 170, Laws of 1941;
- (27) Chapter 242, Laws of 1941;
- (28) Chapter 159, Laws of 1943;
- (29) Chapter 172, Laws of 1943;
- (30) Chapter 7, Laws of 1945;
- (31) Chapter 80, Laws of 1945;
- (32) Chapter 260, Laws of 1947;
- (33) Chapter 288, Laws of 1947;
- (34) Chapter 289, Laws of 1947;
- (35) Chapter 6, Laws of 1949;
- (36) Chapter 166, Laws of 1949;
- (37) Chapter 10, Laws of 1950, extraordinary session;
- (38) Chapter 1, Laws of 1951;
- (39) Chapter 122, Laws of 1951;
- (40) Chapter 165, Laws of 1951;
- (41) Chapter 176, Laws of 1951;
- (42) Chapter 261, Laws of 1951;
- (43) Sections 2 through 16, and 18, chapter 270, Laws of 1951;
- (44) Chapter 274, Laws of 1951;
- (45) Chapter 5, Laws of 1951, 1st extraordinary session;
- (46) Chapter 17, Laws of 1951, 2nd extraordinary session;
- (47) Chapter 21, Laws of 1951, 2nd extraordinary session;
- (48) Sections 3 through 51, chapter 174, Laws of 1953;
- (49) Chapter 3, Laws of 1953, 1st extraordinary session;
- (50) Chapter 5, Laws of 1953, 1st extraordinary session;

- (51) Chapter 273, Laws of 1955;
- (52) Chapter 366, Laws of 1955;
- (53) Chapter 379, Laws of 1955;
- (54) Chapter 380, Laws of 1955;
- (55) Sections 2 through 4, chapter 187, Laws of 1957;
- (56) Chapter 63, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

SEC. 74.98.060 *Emergency.* 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 January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory
note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

I. Introductory.

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 74 relating to public assistance, housing authorities, housing cooperation, legal aid, and old age and survivors' insurance. Pursuant to such study it was determined that because of the complicated statutory history of the public assistance statutes embodied in chapters 74.04 through 74.16, that chapters 74.04 through 74.16 are nonrestorable.

The codifications subcommittee of the statute law committee, upon conferring with representatives of the department of public assistance, has undertaken to prepare a recompilation of chapters 74.04 through 74.16 of the Revised Code of Washington, removing conflicting provisions when such removal can be accomplished without affecting the substance of the law.

As the chapters relating to housing authorities, housing cooperation, legal aid, and old age and survivors' insurance are not strictly welfare and relief measures, they are neither repealed nor reenacted in this proposal, but rather, the code reviser will remove these chapters from

Title 74 and make a more logical placement of them elsewhere in other titles. Explanatory note.

The provisions of chapter 43.18 relating to the administration of the department of public assistance are herein recodified in chapter 74.04.

The numbering of sections as they now appear in the Revised Code of Washington has been retained although this results in rather wide numerical spacing between sections in some instances due to the previous repeal of sections which will no longer be memorialized.

This bill proposes the recompilation and reenactment of chapters 74.04 through 74.16.

II. Section Comment.

Chapter 74.04 General provisions—Administration

74.04.005 Source—(i) 1957 c 289 sec. 1; 1939 c 216 sec. 1. (ii) 1957 c 63 sec. 1; 1953 c 174 sec. 17; 1951 c 122 sec. 1; 1951 c 1 sec. 3; 1949 c 6 sec. 3.

This new definition section represents a combination of the definitions appearing in RCW 74.04.010 and 74.08.010 to provide one general definition section for the entire title. All the definitions formerly contained in RCW 74.08.010 (the latest enactment) have been retained. Those definitions formerly contained in RCW 74.04.010 which are covered by or are in conflict with the later enactment have been omitted.

74.04.011 Source—1953 c 174 sec. 3.

Presently codified as RCW 43.18.010.

74.04.013 Source—1953 c 174 sec. 48.

Presently codified as RCW 43.18.025.

74.04.015 Source—1953 c 174 sec. 49; 1937 c 111 sec. 12.

Presently codified as RCW 43.18.040.

74.04.017 Source—1953 c 174 sec. 4.

Presently codified as RCW 43.18.080.

74.04.020 Source—1953 c 174 sec. 8; 1939 c 216 sec. 2.

Presently codified as RCW 74.04.020.

“chapter 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.

74.04.030 Source—1941 c 128 sec. 1; 1939 c 216 sec. 3.

Presently codified as RCW 74.04.030.

“this act” to “this title” as the section applies throughout Title 74.

“department of social security” to “department of public assistance” as name of department of social security was changed to department of public assistance by 1953 c 174.

74.04.034 Source—1953 c 174 sec. 9.

Presently codified as RCW 74.04.034.

74.04.035 Source—1955 c 379 sec. 1; 1953 c 174 sec. 10.

Presently codified as RCW 74.04.035.

74.04.040 Source—1953 c 174 sec. 12; 1939 c 216 sec. 5.

Presently codified as RCW 74.04.040.

74.04.050 Source—1955 c 273 sec. 21; 1953 c 174 sec. 6; 1939 c 216 sec. 6.

Presently codified as RCW 74.04.050.

“chapters 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.

74.04.055 Source—1953 c 174 sec. 50.

Presently codified as RCW 74.04.055.

“chapter 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.

74.04.060 Source—1953 c 174 sec. 7; 1950 ex.s c 10 sec. 1; 1941 c 128 sec. 5.

Presently codified as RCW 74.04.060.

“chapters 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.

- Explanatory note. 74.04.070 Source—1953 c. 174 sec. 13; 1941 c 128 sec. 2, part; 1939 c 216 sec. 4, part.
Presently codified as RCW 74.04.070.
- 74.04.080 Source—1953 c 174 sec. 14; 1941 c 128 sec. 2, part; 1939 c 216 sec. 4, part.
Presently codified as RCW 74.04.080.
“chapters 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.
- 74.04.120 Source—1939 c 216 sec. 8, part.
Presently codified as RCW 74.04.120.
The 1941 Code Committee divided this session law section into three code sections. The other two code sections (RCW 74.04-.100 and 74.04.110) were repealed by 1953 c 174 sec. 52. As a result the italicized matter “Allocations of state and federal funds, as in this section provided, . . .” has been eliminated as the portion of the session law section dealing with allocations was repealed.
- 74.04.141 Source—1953 c 174 sec. 11.
Presently codified as RCW 74.04.141.
- 74.04.150 Source—1953 c 174 sec. 43; 1943 c 172 sec. 2, part; 1939 c 216 sec. 10, part.
Presently codified as RCW 74.04.150.
- 74.04.151 Source—1953 1st ex.s c 3 sec. 1.
Presently codified as RCW 74.04.151.
This section provides an effective date for transferring the responsibility of providing general assistance from the counties to the state. The section is temporary in nature and its purpose having been accomplished has not been retained. It has been included in the repeal schedule.
- 74.04.180 Source—1953 c 174 sec. 15; 1939 c 216 sec. 12.
Presently codified as RCW 74.04.180.
- 74.04.200 Source—1939 c 216 sec. 14.
Presently codified as RCW 74.04.200.
“department of social security” to “department of public assistance”
“this act” to “this title” as the section has application to the entire title.
- 74.04.210 Source—1939 c 216 sec. 15.
Presently codified as RCW 74.04.210.
“this act” to “this title” as the section has application to the entire title.
- 74.04.250 Source—1939 c 216 sec. 19.
Presently codified as RCW 74.04.250.
“this act” to “this title” as the section has application to the entire title.
- 74.04.265 Source—1953 c 174 sec. 16.
Presently codified as RCW 74.04.265.
- 74.04.270 Source—1939 c 216 sec. 21.
Presently codified as RCW 74.04.270.
“department of social security” to “department of public assistance”
“social security committee” to “public assistance committee”
“this act” to “this title” as section has application to entire title.
The italicized words in the phrase “The public assistance committee shall immediately upon the taking effect of this act proceed to establish and install a uniform accounting system . . .” eliminated.
- 74.04.280 Source—1939 c 216 sec. 25.
Presently codified as RCW 74.04.280.
“this act” to “this title” as section has application to entire title.

- 74.04.290 Source—1939 c 216 sec. 26.
Presently codified as RCW 74.04.290.
“this act” to “this title” as section has application to entire title. Explanatory note.
- 74.04.300 Source—1957 c 63 sec. 3; 1953 c 174 sec. 35; 1939 c 216 sec. 27.
Presently codified as RCW 74.04.300.
- 74.04.310 Source—1939 c 216 sec. 28.
Presently codified as RCW 74.04.310.
“this act” to “this title” as section has application to entire title.
The phrase “such contributions to be disbursed in the same manner as moneys appropriated by this act;” changed to “such contributions to be disbursed in the same manner as moneys appropriated for the purposes of this title;” to give section permanent application.
- 74.04.330 Source—1941 c 170 sec. 7.
Presently codified as RCW 74.04.330.
“department of social security” to “department of public assistance”
“this act” to “this section” as the section is a penalty section and the penalty prescribed is limited to the section.
- 74.04.340 Source—1957 c 187 sec. 2.
Presently codified as RCW 74.04.340.
- 74.04.350 Source—1957 c 187 sec. 3.
Presently codified as RCW 74.04.350.
- 74.04.360 Source—1957 c 187 sec. 4.
Presently codified as RCW 74.04.360.
- Chapter 74.08 Eligibility—Standards of Assistance—
Old Age Assistance**
- 74.08.025 Source—1953 c 174 sec. 19.
Presently codified as RCW 74.08.025.
- 74.08.030 Source—1953 c 174 sec. 20; 1951 c. 165 sec. 1; 1951 c 1 sec. 5; 1949 c 6 sec. 4.
Presently codified as RCW 74.08.030.
- 74.08.040 Source—1957 c 63 sec. 2; 1953 c 174 sec. 18; 1951 c 1 sec. 6; 1949 c 6 sec. 5.
Presently codified as RCW 74.08.040.
- 74.08.050 Source—1953 c 174 sec. 26; 1949 c 6 sec. 6.
Presently codified as RCW 74.08.050.
- 74.08.055 Source—1953 c 174 sec. 27.
Presently codified as RCW 74.08.055.
- 74.08.060 Source—1953 c 174 sec. 28; 1949 c 6 sec. 7.
Presently codified as RCW 74.08.060.
- 74.08.070 Source—1953 c 174 sec. 30; 1949 c 6 sec. 8.
Presently codified as RCW 74.08.070.
- 74.08.080 Source—1953 c 174 sec. 31; 1949 c 6 sec. 9.
Presently codified as RCW 74.08.080.
- 74.08.090 Source—1953 c 174 sec. 5; 1949 c 6 sec. 10.
Presently codified as RCW 74.08.090.
“chapters 74.04 through 74.16” to “this title” as chapters 74.04 through 74.16 will comprise Title 74.
- 74.08.100 Source—1949 c 6 sec. 11.
Presently codified as RCW 74.08.100.
- 74.08.105 Source—1953 c 174 sec. 39.
Presently codified as RCW 74.08.105.
- 74.08.112 Source—1957 c 63 sec. 4.
Presently codified as RCW 74.08.112.
- 74.08.120 Source—1953 c 174 sec. 32; 1949 c 6 sec. 13.
Presently codified as RCW 74.08.120.
- 74.08.210 Source—1941 c 1 sec. 16.
Presently codified as RCW 74.08.210.

Explanatory
note.

- "this act" to "this title" as the section has application to the entire title.
- 74.08.260 Source—1949 c 6 sec. 17.
Presently codified as RCW 74.08.260.
"this act" to "this title" as the section has application to the entire title.
First sentence reading "If any portion, section or clause of this act, shall be declared or found to be invalid by any Court of competent jurisdiction, such adjudication shall not affect the remainder of this act." deleted as this is covered by the general severability clause inserted in the construction chapter.
- 74.08.270 Source—1957 c 63 sec. 5; 1951 c 1 sec. 9. Prior: 1949 c 6 sec. 19.
Presently codified as RCW 74.08.270.
- 74.08.278 Source—1953 c 174 sec. 42; 1951 c 261 sec. 1.
Presently codified as RCW 74.08.278.
- 74.08.280 Source—1953 c 174 sec. 40; 1937 c 156 sec. 7; 1935 c 182 sec. 10.
Presently codified as RCW 74.08.280.
- 74.08.283 Source—1957 c 63 sec. 6.
Presently codified as RCW 74.08.283.
- 74.08.290 Source—1953 c 174 sec. 38; 1935 c 182 sec. 12.
Presently codified as RCW 74.08.290.
- 74.08.295 Source—1953 c 174 sec. 29.
Presently codified as RCW 74.08.295.
- 74.08.330 Source—1953 c 174 sec. 41; 1951 2nd ex.s. c 17 sec. 1; 1935 c. 182 sec. 20.
Presently codified as RCW 74.08.330.
- 74.08.335 Source—1953 c 174 sec. 33.
Presently codified as RCW 74.08.335.
"chapter 74.04 through 74.16" to "this title" as chapter 74.04 through 74.16 will comprise Title 74.
- 74.08.338 Source—1953 c 174 sec. 37.
Presently codified as RCW 74.08.338.
- 74.08.340 Source—1935 c 182 sec. 21.
Presently codified as RCW 74.08.340.
"this act" to "this title" as the section has application to the entire title.
- 74.08.370 Source—1935 c 183 sec. 24.
Presently codified as RCW 74.08.370, part.
"this act" to "this title" as the section has application to the entire title.
"director of public welfare" to "director of public assistance".
- 74.08.375 Source—1935 c 182 sec. 25.
Presently codified as RCW 74.08.370, part.
"this act" to "this title" as the section has application to the entire title.
- 74.08.380 Source—1937 c 156 sec. 12.
Presently codified as RCW 74.08.380.

Chapter 74.09 Medical Care

- 74.09.010 through 74.09.900. Source—1955 c 273.
In 1955 c 273 sec. 2 (RCW 74.09.010) "definition of terms" changed to "as used in this chapter" and "as used in this chapter" eliminated from subsection (8).
In 1955 c 273 sec. 4 (RCW 74.09.030) temporary matter eliminated.

Chapter 74.10 Disability Assistance

- 74.10.010 Source—1951 c 176 sec. 1.
Presently codified as RCW 74.10.010.
"department of social security" to "department of public assistance".

- 74.10.020 Source—1953 c 174 sec. 25; 1951 c. 176 sec. 2.
Presently codified at RCW 74.10.020. Explanatory note.
- 74.10.030 Source—1951 c 176 sec. 3.
Presently codified as RCW 74.10.030.
“department of social security” to “department of public assistance”.
- 74.10.070 Source—1957 c 63 sec. 7; 1951 c 176 sec. 7.
Presently codified as RCW 74.10.070.

Chapter 74.11 Vocational Rehabilitation of
Nondisabled

- 74.11.010 through 74.11.900 Source—1955 c 380.

Chapter 74.12 Aid to Dependent Children—Child
Welfare Services

- 74.12.010 Source—1957 c 63 sec. 10; 1953 c 174 sec. 24; 1941 c 242 sec. 1;
1937 c 114 sec. 1.
Presently codified as RCW 74.12.010.
- 74.12.030 Source—1953 c 174 sec. 23; 1941 c 242 sec. 2; 1937 c 114 sec. 4.
Presently codified as RCW 74.12.030.
- 74.12.130 Source—1953 c 174 sec. 44; 1947 c 260 sec. 1; 1941 c 242 sec. 3;
1937 c 114 sec. 6.
Presently codified as RCW 74.12.130.
- (74.12.210 and 74.12.220 are not presented herein for reenactment as they relate to duties of the department of health pertaining to crippled children and will be recodified as part of chapter 43.20 RCW).
- 74.12.230 Source—1937 c 114 sec. 14.
Presently codified as RCW 74.12.230.
“this act” to “this chapter” as the section apparently applies to the entire chapter.
- 74.12.240 Source—1957 c 63 sec. 8.
Presently codified as RCW 74.12.240.

Chapter 74.14 Child Welfare Agencies

- 74.14.010 Source—1955 c 366 sec. 1; 1951 c 270 sec. 2.
Presently codified as RCW 74.14.010.
- 74.14.020 Source—1951 c 270 sec. 3.
Presently codified as RCW 74.14.020.
“this act” to “this chapter” as all provisions of 1951 c 270 relating to child welfare agencies are codified in this chapter. However note that 1951 c 270 sec. 1 which amended 1921 c 43 sec. 1 relating to juvenile courts is codified as RCW 13.04.040 and 1951 c 270 sec. 17 relating to the crime of leaving children unattended in a parked automobile is codified as RCW 9.91.060.
- 74.14.030 Source—1951 c 270 sec. 5.
Presently codified as RCW 74.14.030.
“this act” to “this chapter”, see notes to 74.14.020.
“department of social security” to “department of public assistance”
The last proviso reading “: Provided, That all agencies now approved by the state department of social security shall be deemed to be approved to operate under the provisions of this act for a period of ninety days following its enactment” deleted as temporary.
- 74.14.040 Source—1951 c 270 sec. 4.
Presently codified as RCW 74.14.040.
“this act” to “this chapter”, see note following RCW 74.14.020.
The last proviso reading “: Provided, That all agencies now approved by the department shall be deemed to be approved by the department to operate hereunder for a period of ninety days after the effective date of this act” deleted as temporary.

- Explanatory
note.
- 74.14.050 Source—1951 c 270 sec. 6.
Presently codified as RCW 74.14.050.
“department of social security” to “department of public assistance”.
- 74.14.060 Source—1951 c 270 sec. 7.
Presently codified as RCW 74.14.060.
“department of social security” to “department of public assistance”.
- 74.14.070 Source—1951 c 270 sec. 8.
Presently codified as RCW 74.14.070.
- 74.14.080 Source—1951 c 270 sec. 9.
Presently codified as RCW 74.14.080.
“this act” to “this chapter”, see note following RCW 74.14.020.
- 74.14.090 Source—1951 c 270 sec. 10.
Presently codified as RCW 74.14.090.
- 74.14.100 Source—1951 c 270 sec. 11.
Presently codified as RCW 74.14.100.
“department of social security” to “department of public assistance”.
- 74.14.110 Source—1951 c 270 sec. 12.
Presently codified as RCW 74.14.110.
“this act” to “this chapter”, see note following RCW 74.14.020.
- 74.14.120 Source—1951 c 270 sec. 13.
Presently codified as RCW 74.14.120.
“this act” to “this chapter”, see note following RCW 74.14.020.
- 74.14.130 Source—1951 c 270 sec. 14.
Presently codified as RCW 74.14.130.
“county welfare departments” to “offices of the state department” as the county welfare departments were changed to offices of the department of public assistance by 1953 c 174 sec. 13; RCW 74.04.070.
- 74.14.140 Source—1951 c 270 sec. 15.
Presently codified as RCW 74.14.140.
“department of social security” to “department of public assistance”.
- 74.14.150 Source—1951 c 270 sec. 16.
Presently codified as RCW 74.14.150.
“this act” to “this chapter”, see note following RCW 74.14.020.

Chapter 74.16 Aid to Blind Persons

- 74.16.011 Source—1955 c 379 sec. 2.
Presently codified as RCW 74.16.011.
- 74.16.030 Source—1953 c 174 sec. 21; 1941 c 170 sec. 1; 1937 c 132 sec. 8.
Presently codified as RCW 74.16.030.
- 74.16.040 Source—1953 c 174 sec. 22; 1951 1st ex.s. c 5 sec. 1; 1941 c 170 sec. 2; 1937 c 132 sec. 9.
Presently codified as RCW 74.16.040.
- 74.16.170 Source—1937 c 132 sec. 3.
Presently codified as RCW 74.16.170.
- 74.16.180 Source—1953 c 174 sec. 45; 1949 c 166 sec. 15; 1937 c 132 sec. 4.
Presently codified as RCW 74.16.180.
- 74.16.190 Source—1953 c 174 sec. 46; 1939 c 75 sec. 1; 1937 c 132 sec. 5.
Presently codified as RCW 74.16.190.
- 74.16.200 Source—1949 c 166 sec. 3.
Presently codified as RCW 74.16.200.
“this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.

- 74.16.210 Source—1949 c 166 sec. 4. Presently codified as RCW 74.16.210. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation. Explanatory note.
- 74.16.220 Source—1949 c 166 sec. 5. Presently codified as RCW 74.16.220. “county welfare department” to “county office of the state department of public assistance” as the county welfare departments were changed to offices of the state department of public assistance by 1953 c 174 sec. 13; RCW 74.04.070. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.230 Source—1949 c 166 sec. 6. Presently codified as RCW 74.16.230.
- 74.16.240 Source—1949 c 166 sec. 7. Presently codified as RCW 74.16.240. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.250 Source—1955 c 379 sec. 3; 1949 c 166 sec. 8. Presently codified as RCW 74.16.250.
- 74.16.260 Source—1949 c 166 sec. 9, part. Presently codified as RCW 74.16.260. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.270 Source—1949 c 166 sec. 9, part. Presently codified as RCW 74.16.270. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.280 Source—1949 c 166 sec. 10. Presently codified as RCW 74.16.280. “department of social security” to “department of public assistance”.
- 74.16.290 Source—1949 c 166 sec. 11. Presently codified as RCW 74.16.290. “department of social security” to “department of public assistance” “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.296 Source—1949 c 166 sec. 1. Formerly uncodified. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.
- 74.16.297 Source—1949 c 166 sec. 2. Formerly uncodified. “this act” to “RCW 74.16.200 through 74.16.290” as this is a literal translation.

Chapter 74.98 Construction

- 74.98.010 This section has been added to preserve continuity.
- 74.98.020 This section provides that title, chapter, section and subsection headings are not part of the law.
- 74.98.030 Severability.
- 74.98.040 Source—1951 c 1 sec. 2. This purpose section represents the first sentence of 1951 c 1 sec. 2. The remainder of that section reading “This act recognizes that there are possibilities of serious abuses of such a program whereby those least deserving of public aid will benefit at the expense of the deserving, and of the state and its political subdivisions, and it is intended hereby to make possible sufficient administrative control of the program of assistance to curb or at least minimize such abuses without at the same time depriving qualified applicants and recipients

Explanatory
note.

- of the assistance to which they are rightfully entitled." omitted.
- 74.98.050 Repeals and savings.
The laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted by this bill. Specifically noted below are certain acts, not previously repealed, which are proposed for repeal without reenactment. The numbers in parentheses correspond to the like numbered subdivisions of the repealer schedule.
- (5) Related to industrial aid to the adult blind. Repealed without reenactment as superseded by 1937 c 132 (chapter 74.16).
 - (6) Relates to emergency relief administration. Expired on May 1, 1935. Repealed without reenactment as no longer in effect.
 - (8) Relates to emergency relief administration bonds. Bonds have been retired. Repealed without reenactment as obsolete.
 - (10) Relates to duties of director of business control as to child welfare agencies. Repealed without reenactment as being superseded by 1951 c 270 (chapter 74.14).
 - (11) Relates to investment of funds not required to retire emergency relief bonds of 1933. Repealed without reenactment as temporary and obsolete.
 - (14) This act carried on emergency relief during the 1935-1937 biennium. Repealed without reenactment as temporary.
 - (16) Relates to organization of the department of social security. Repealed without reenactment as superseded by 1953 c 174 (chapter 43.18).
 - (49) Relates to date for transfer of responsibilities from counties to state department of public assistance and appropriations. Repealed without reenactment as temporary.
- 74.98.060 Emergency clause.

CHAPTER 27.

[H. B. 16.]

UNIFORM NARCOTIC DRUG ACT—ADDICTION.

AN ACT relating to narcotics; reenacting chapter 69.32 RCW relating to narcotic addicts; reenacting chapter 69.33 relating to The Uniform Narcotic Drug Act; providing penalties; repealing chapter 47, Laws of 1923, chapter 22, Laws of 1951 second extraordinary session, chapter 88, Laws of 1953, chapter 25, Laws of 1955, and chapter 161, Laws of 1957; and declaring an emergency.

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

Chapter 69.32

NARCOTICS—ADDICTION

SECTION 69.32.010 *Definitions.* The definitions contained in RCW 69.33.220 as now or hereafter amended shall also apply to this chapter.

The term “narcotic addict” means a person who habitually uses a narcotic drug or drugs.

SEC. 69.32.030 *State University and State College May Purchase Drugs.* Nothing herein shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

SEC. 69.32.060 *Exceptions and Exemptions Not Required to Be Negatived.* In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

SEC. 69.32.070 *Suspected Addicts—Treatment—Isolation.* State, county and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public safety, health and morals, to make examinations of persons reasonably suspected of being habitual users of any narcotic drug and to require persons whom they have reason to suspect to be habitual users of any narcotic drug to report for treatment to an approved physician, and continue treatment at his own expense until cured, or to submit to treatment, provided at public expense, until cured, and also to isolate or quarantine habitual users of such narcotic drugs or their derivatives. Such officer, deputy or physician shall make a written finding that such person is an habitual user of a narcotic drug, which finding shall be filed in his office: *Provided,* That such habitual users shall not be isolated or quarantined until the state board of health shall first, by general regulation, determine that the quarantine or isolation of all habitual users is necessary: *Provided, further,* That any persons suspected as herein set forth may have present at the time of his examination, a physician of his or her own choosing: *And provided further,* That the suspected person shall be informed by the health officer of his or her rights under this chapter.

SEC. 69.32.080 *Unlawful Possession, Use—Habitual User—Penalty.* It shall be unlawful for any person to use, administer by hypodermic or otherwise any narcotic drug as defined in the uniform narcotic drug act, RCW 69.33.220 as now or hereafter amended, except as prescribed and under the direction of a physician authorized by law to practice medicine in this state, and any other person authorized by law to treat sick and injured human

beings in this state and to use narcotic drugs in connection with such treatment. The unlawful possession of narcotic drugs as defined herein shall be prima facie evidence of an intent to illegally use such drugs. An habitual user of narcotic drugs shall be any person addicted to the use of narcotics as defined in this chapter and obtaining such narcotics unlawfully. Any person convicted of being an habitual user of narcotics or of violating any provision of this chapter shall be guilty of a gross misdemeanor.

SEC. 69.32.090 *Examination and Treatment of Convicted Persons.* Any person convicted under the provisions of RCW 69.32.080 or any person who shall be confined or imprisoned in any state, county, or city prison in the state and who may be reasonably suspected by the health officer of being a narcotic addict shall be examined for and if found to be an habitual user of said drugs, or any of them, shall be treated therefor at public expense by the health officers or their deputies who are licensed physicians. The prison authorities of any state, county, or city prison are directed to make available to the health authorities, such portion of any state, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison, and who are habitual users of said drugs or their derivatives, may be isolated and treated at public expense until cured, or, in lieu of such isolation any such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in RCW 69.32.070. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime: *Provided*, That licensed physicians treating any narcotic addict shall, upon beginning said treatment, immediately report the

same to the health officer in charge in that jurisdiction, such report to be on forms prescribed by the state board of health, and such report shall give the name of the person receiving such treatment and such other information as shall be deemed necessary by the state board of health.

SEC. 69.32.100 *Rules and Regulations—Safeguards—Penalty.* The state board of health is hereby empowered and directed by resolution duly entered on the minutes of its proceedings to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this chapter, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of RCW 69.32.070, and such other rules and regulations, not in conflict with the provisions of this chapter, concerning the control, care, treatment and quarantine of persons addicted to the habitual use of narcotic drugs, as it may from time to time deem advisable. All such rules and regulations so made shall be in force and binding on all county and municipal health officers and other persons affected by this chapter: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure, except to officers and physicians charged with the enforcement of this chapter, of the names of any narcotic addicts who faithfully comply with the provisions of this chapter and the lawful regulations of the state board of health, and whoever shall violate any of such safeguarding regulation shall be guilty of a gross misdemeanor.

SEC. 69.32.110 *Appeals.* Any person committed to quarantine under the provisions of RCW 69.32.070 or 69.32.090, feeling aggrieved at the finding of the health officer that he or she is an habitual user of such drugs, or at the finding that he or she be committed to quarantine, shall have the right of appeal

from such finding to the superior court of the state of Washington for the county in which said person is quarantined. Said appeal shall be taken within ten days after said health officer shall have made his finding and shall be taken by serving written notice of appeal upon said health officer, and by filing the same in the office of the clerk of the superior court, and the procedure governing appeals from judgments of justices of the peace to the superior court shall govern all such appeals: *Provided*, That the person appealing shall be held in quarantine during the pendency of such appeal. Within five days after such appeal shall have been filed, the superior court shall, without a jury, examine or cause to be examined the person taking the appeal, and take such evidence as it may deem necessary for the determination of the truth of the charges against the appellant or of the findings of such health officer. The prosecuting attorney of the county shall represent the health or quarantine officer in all such appeals and the appellant shall have the right to be represented by counsel.

The findings and judgment of said superior court upon said appeal shall be conclusive. Any person committed to quarantine under the provisions of this chapter may be paroled, or discharged from quarantine at any time by the committing health officer or his successor in charge, whenever said person is cured of such narcotic habit, or whenever said officer shall deem it no longer necessary for the public health, safety and morals, to continue the quarantine of said individual. Any person held in quarantine deeming himself cured may make application for discharge to the health officer ordering commitment, or his successor, upon which application findings in writing shall be made within five days therefrom. In the event that the application is denied the applicant may appeal to the superior court in the man-

ner herein provided from the findings of the quarantine officer in charge that he or she is not cured of such habit: *Provided, however,* That said appeal shall not lie until after said person shall have been in quarantine for a period of at least six months. If upon such hearing the appeal shall be disallowed by the court, the appellant shall be returned to quarantine. If such appeal be allowed, the appellant shall be discharged therefrom. Nothing in RCW 69.32.070, 69.32.090 through 69.32.110, and 69.32.130 shall affect, prevent, or interfere with prosecutions instituted under RCW 69.32.080.

SEC. 69.32.120 *Quarantine Stations and Clinics.* For the purpose of carrying out the provisions of this chapter the state board of health shall have the power and authority from time to time to divide the state into such number of quarantine districts consisting of one or more counties, or municipalities, or parts of counties or municipalities, as it shall deem expedient, and to establish at such place, or places, as it shall deem necessary, quarantine stations and clinics for the detention and treatment of persons found to be habitual users of narcotic drugs, and to establish any such quarantine station and clinic in connection with any county or city jail, or in any hospital or other public or private institution having or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such quarantine stations and clinics with the public officers or persons, associations, or corporations in charge of or maintaining and operating such institutions.

SEC. 69.32.130 *Penalty for Violating Rule or Regulation or Order.* Any person who shall violate lawful rules or regulations made by the state board of health pursuant to the authority herein granted,

or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer, pursuant to the authority granted in this chapter, shall be deemed guilty of a gross misdemeanor.

SEC. 69.32.900 *Continuation of Existing Law.* The provisions of this chapter insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 69.32.910 *Chapter and Section Headings Not Part of Law.* Chapter headings, and section or subsection headings, as used in this chapter do not constitute any part of the law.

SEC. 69.32.920 *Invalidity of Part of Chapter Not to Affect Remainder.* If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

SEC. 69.32.930 *Repeals and Saving.* The following acts or parts of acts are repealed:

- (1) Chapter 47, Laws of 1923;
- (2) Sections 18, 22, and 23, chapter 22, Laws of 1951 second extraordinary session;
- (3) Section 1, chapter 88, Laws of 1953.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

SEC. 69.32.940 *Emergency.* 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.

SEC. 69.32.950 *Statement of Public Policy.* The habitual use of opium, morphine, cocaine, alkaloid cocaine, coca leaves or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health and morals.

SEC. 69.32.960 *Chapter Is Cumulative.* The provisions of this chapter shall be cumulative with and additional to the existing laws and regulations and nothing herein contained shall abridge or limit the powers of health authorities as construed by the supreme court of the state of Washington, except as herein otherwise provided.

Chapter 69.33

UNIFORM NARCOTIC DRUG ACT

SEC. 69.33.220 *Definitions.* The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies

narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, found by the state board of pharmacy to have a custodian of narcotics proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, deriva-

tive, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes all parts of the plant *Cannabis Sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) "Narcotic drugs" means coca leaves, opium, cannabis and every other substance neither chemically nor physically distinguishable from them; any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board of pharmacy, after reasonable notice and opportunity for hearing, to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the date of publication of such finding by the state board of pharmacy.

(15) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(16) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of pharmacy.

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(18) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

SEC. 69.33.230 *Compliance Required.* It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this chapter.

SEC. 69.33.240 *License Required.* No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the state board of pharmacy.

SEC. 69.33.250 *Qualifications for License—Suspension or Revocation.* No license shall be issued under RCW 69.33.240 unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy.

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The state board of pharmacy may suspend or revoke any license for cause.

SEC. 69.33.260 *Sale by Manufacturer, Wholesaler—Conditions—Use of Drugs.* (1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his

copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

SEC. 69.33.270 *Sale by Apothecary.* (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription or an oral prescription in pursuance to regulations promulgated by the United States commissioner of narcotics under the existing federal narcotic laws, of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the

full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

SEC. 69.33.280 *Dispensing by Physicians, Dentists, Veterinarians—Return of Unused Portion.* (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

SEC. 69.33.290 *Exempted Sales and Uses.* Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Administering, dispensing, or selling at retail any medicinal preparation, other than those hereinafter specified, that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts, or not more than one-sixth grain of dihydrocodeinone or of any of its salts, or not more than two grains of noscapine (formerly narcotine) or of any of its salts, or not more than two grains of papaverine or of any of its salts: *Provided*, That any new narcotic drug of natural or synthetic origin, that may be found by the United States commissioner of narcotics to be nonhabit forming in use, and which is so designated by them as an exempt narcotic, under federal law, may be classified as an exempt narcotic in the state of Washington, by ruling of the board of pharmacy.

The exemption authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts, or of dihydrocodeinone or of any of its salts, or of noscapine (formerly narcotine) or of any of its salts, or of papaverine or of any of its salts, that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

Note: See also section 1, chapter 97, Laws of 1959.

SEC. 69.33.300 *Records to Be Kept.* (1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients: *Provided*, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic

potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by RCW 69.33.290, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

(5) The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.* The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quan-

tity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

SEC. 69.33.310 *Labels Required.* (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person except an apothecary for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was issued, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

SEC. 69.33.320 *User Must Keep Drug in Original Container.* A person to whom or for whose use any

narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of RCW 69.33.260, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

SEC. 69.33.330 *Possession, Control by Common Carriers, Warehousemen, Public Officers, and Certain Employees.* The provisions of this chapter restricting the possessing and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

SEC. 69.33.340 *Narcotics Resort a Public Nuisance.* Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

SEC. 69.33.350 *Disposal of Seized Narcotics.* All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

- (1) Except as in this section otherwise provided,

the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(2) Upon written application by the state board of pharmacy, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said state board of pharmacy, for distribution or destruction, as hereinafter provided.

(3) Upon application by any hospital within this state, not operated for private gain, the state board of pharmacy may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medical use. The state board of pharmacy may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

(4) The state board of pharmacy shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

SEC. 69.33.360 *Violation—Revocation of License—Reinstatement.* On the conviction of any person of the violation of any provision of this chapter, a copy

of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. Upon receipt of a certified copy of such final judgment and sentence, and opinion if any, the licensing board or officer concerned shall call and conduct a hearing, as provided by law, to determine whether the registration or the professional license of such person shall be revoked. The certified copy of judgment and sentence shall, for purposes of the hearing, constitute conclusive evidence of violation of this chapter. Conviction of violation of any provision of this chapter shall constitute grounds for revocation of the registration or the professional license of the person convicted. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officers may reinstate such license or registration.

SEC. 69.33.370 *Inspection of Records, Drug Stocks—Confidential Information.* Prescriptions, orders, and records, required by this chapter, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, order, or records relate is a party.

SEC. 69.33.380 *Fraud in Obtaining or Dispensing Narcotics.* (1) No person shall obtain or attempt to

obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of RCW 69.33.290, in the same way as they apply to transactions under all other sections.

SEC. 69.33.390 *Exceptions and Exemptions Not Required to Be Negatived.* In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

SEC. 69.33.400 *Enforcement of Chapter.* It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

SEC. 69.33.410 *Violation—Penalty.* Whoever violates any provision of this chapter shall, upon conviction, be fined not more than two thousand dollars and be imprisoned not less than two years: *Provided,* That for the first offense the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment. For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than ten thousand dollars and be imprisoned not less than five years. For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than twenty-five thousand dollars and be imprisoned not less than ten years. For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be fined not more than fifty thousand dollars and imprisoned not less than twenty years except

that on first offense involving a minor the court may in its discretion impose a lesser penalty.

SEC. 69.33.420 *Violation—Double Prosecution Prohibited.* No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this chapter.

SEC. 69.33.430 *Search and Seizure—Warrant—Return.* If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any narcotic drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all narcotic drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such narcotic drugs, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such narcotic drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant

shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

SEC. 69.33.440 *State University and State College May Purchase Drugs.* Nothing herein shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

SEC. 69.33.900 *Severability.* If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

SEC. 69.33.910 *Construction.* This chapter shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

SEC. 69.33.920 *Short Title.* This chapter may be cited as the uniform narcotic drug act.

SEC. 69.33.930 *Continuation of Existing Law.* The provisions of this chapter insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 69.33.940 *Chapter and Section Headings Not Part of Law.* Chapter headings, and section or subsection headings, as used in this chapter do not constitute any part of the law.

SEC. 69.33.950 *Invalidity of Part of Chapter Not to Affect Remainder.* If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provisions to other persons or circumstances is not affected.

SEC. 69.33.960 *Repeals and Saving.* The following acts or parts of acts are repealed:

(1) Sections 1 through 17, 19, 20, 21, 24, 25, 26, and 27, chapter 22, Laws of 1951 second extraordinary session;

(2) Sections 2, 3, and 4, chapter 88, Laws of 1953;

(3) Chapter 25, Laws of 1955;

(4) Chapter 161, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

SEC. 69.33.970 *Emergency.* 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 January 21, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory
note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

I. Introductory.

At the time of the enactment of the Uniform Narcotic Drug Act, (1951 2nd ex.s. c 22) the principal statute on this subject was 1923 c 47, being:

"AN ACT Providing for the regulation, sale, disposal, possession and use of narcotic drugs; providing penalties for violation thereof; providing for the quarantine and treatment of narcotic drug addicts and the promulgation of rules and regulations governing the same . . ."

The 1951 act amended or repealed most of the sections of the 1923 act so that all that remains thereof are the provisions relating to the quarantine and treatment of addicts. The 1951 act also enacted the Uniform Narcotic Drug Act and the combining of the uniform act in the same bill with the amendments to the 1923 act, gave rise to a number of codification and statutory construction problems. For ex-

ample, the present application of 1951 2nd ex.s. c 22 sec. 23 (RCW 69.32.030) exempting purchases by the State University and the State College, and of 1951 2nd ex.s. c 22 sec. 18 (RCW 69.32.060) "Exceptions and exemptions not required to be negatived", is not altogether clear. Explanatory note.

The publishers of the Revised Code of Washington codified the 1923 act (as amended by 1951) as chapter 69.32 RCW, and codified the uniform act as chapter 69.33. The instant bill corrects the mischief of the 1951 act by codifying the university and college exemption section and the "negating exceptions" section, as a part of each RCW chapter, and proposes the reenactment of each such chapter as a completely self-contained unit.

Each section is in the language of its latest session law parent, as published in 6/1/58 restoration supplement to RCW except for minor variances therefrom which are explained in the "section comment" below.

II. Section Comment.

Chapter 69.32 Narcotics—Addiction

- 69.32.010 Source [1951 2nd ex.s. c 22 sec. 22; 1923 c 47 sec. 2; RRS sec. 2509-2.]
 "RCW 69.33.010" changed to "RCW 69.33.220 as now or hereafter amended", to correspond with renumbering of this section as explained below, and to insure the adoption of subsequent amendments to said section "RCW 69.32.030 and 69.32.060 to 69.32.130, inclusive" changed to "this chapter".
- 69.32.030 Source [1951 2nd ex.s. c 22 sec. 23; 1923 c 47 sec. 3, part; RRS sec. 2509-3, part. Prior: 1909 c 249 sec. 257.] This section is repeated in chapter 69.33 as sec. 69.33.440.
- 69.32.060 Source [1951 2nd ex.s. c 22 sec. 18; 1923 c 47 sec. 5; RRS sec 2509-5.] The 1951 act expressly amended RCW 69.32.060 to read identically with section 18 of the uniform act. The uniform act language is retained here and the section is repeated as section 69.33.390, *infra*.
- 69.32.070 Source [1923 c 47 sec. 6; RRS sec. 2509-6.]
- 69.32.080 Source [1953 c 88 sec. 1; 1923 c 47 sec. 4; RRS sec. 2509-4. Prior: 1909 c 249 sec. 257.]
 "RCW 69.33.010" changed to "RCW 69.33.220 as now or hereafter amended", to correspond with renumbering of this section as explained below, and to insure the adoption of subsequent amendments to said section.
- 69.32.090 Source [1923 c 47 sec. 7; RRS sec. 2509-7.]
- 69.32.100 Source [1923 c 47 sec. 8; RRS sec. 2509-8.]
- 69.32.110 Source [1923 c 47 sec. 10; RRS sec. 2509-10.]
 In the last sentence of RCW 69.32.110, "Sections 3 or 4 of this act" changed to "RCW 69.32.080" which is the codification of said "section 4". All that remains of section 3 since the enactment of 1951 2nd ex.s. c 22, is the university and state college exemption. The remainder of the old section 3 dealt with distribution of certain narcotics to physicians, druggists, wholesale dealers, etc., unlawful possession (which is now section 4), and forgery of prescriptions. This material is now taken care of in the uniform act where there would be no question of the procedural provisions of chapter 69.32 applying anyway. Hence the translation of only "section 4".
- 69.32.120 Source [1923 c 47 sec. 11; RRS sec. 2509-11.]
- 69.32.130 Source [1923 c 47 sec. 9; RRS sec. 2509-9.]
- 69.32.900 through 69.32.940. Construction sections added relating to effect of repeal and reenactment.
- 69.32.940 Source [1923 c 47 sec. 1.]
- 69.32.950 Source [1923 c 47 sec. 13.]

Explanatory
note.

Chapter 69.33 Uniform Narcotic Drug Act

Introductory Note: In order to restore this act to the same order of sections as adopted by the National Conference of Commissioners on Uniform State Laws, it is herein assigned new numbers beginning with Sec. 69.33.220. The uniform act is published in Volume 9B of Uniform Acts Annotated.

- 69.33.220 Source [1953 c 88 sec. 2; 1951 2nd ex.s. c 22 sec. 1; RCW 69.33-.010; uniform act sec. 1.]
- 69.33.230 Source [1951 2nd ex.s. c 22 sec. 2; RCW 69.33.020; uniform act sec. 2.]
- 69.33.240 Source [1951 2nd ex.s. c 22 sec. 3; RCW 69.33.030; uniform act sec. 3.]
- 69.33.250 Source [1951 2nd ex.s. c 22 sec. 4; RCW 69.33.040; uniform act sec. 4.]
- 69.33.260 Source [1951 2nd ex.s. c 22 sec. 5; RCW 69.33.050; uniform act sec. 5.]
- 69.33.270 Source [1951 2nd ex.s. c 22 sec. 6; RCW 69.33.060; uniform act sec. 6.]
- 69.33.280 Source [1951 2nd ex.s. c 22 sec. 7; RCW 69.33.070; uniform act sec. 7.]
- 69.33.290 Source [1957 c 161 sec. 1; 1953 c 88 sec. 4; 1951 2nd ex.s. c 22 sec. 8; RCW 69.33.080; uniform act sec. 8.]
- 69.33.300 Source [1951 2nd ex.s. c 22 sec. 9; RCW 69.33.090; uniform act sec. 9.]
- 69.33.310 Source [1955 c 25 sec. 2; 1951 2nd ex.s. c 22 sec. 10; RCW 69.33.100; uniform act sec. 10.]
- 69.33.320 Source [1951 2nd ex.s. c 22 sec. 11; RCW 69.33.110; uniform act sec. 11.]
- 69.33.330 Source [1951 2nd ex.s. c 22 sec. 12; RCW 69.33.120; uniform act sec. 12.]
- 69.33.340 Source [1951 2nd ex.s. c 22 sec. 13; RCW 69.33.150; uniform act sec. 13.]
- 69.33.350 Source [1951 2nd ex.s. c 22 sec. 14; RCW 69.33.170; uniform act sec. 14.]
- 69.33.360 Source [1951 2nd ex.s. c 22 sec. 15; RCW 69.33.210; uniform act sec. 15.]
"this chapter" substituted for specific translations, since entire uniform act is herein contained in chapter 69.33.
- 69.33.370 Source [1951 2nd ex.s. c 22 sec. 16; RCW 69.33.130; uniform act sec. 16.]
- 69.33.380 Source [1951 2nd ex.s. c 22 sec. 17; RCW 69.33.140; uniform act sec. 17.]
- 69.33.390 Source [1951 2nd ex.s. c 22 sec. 18; uniform act sec. 18.]
See note to 69.32.060.
- 69.33.400 Source [1951 2nd ex.s. c 22 sec. 19; RCW 69.33.180; uniform act sec. 19.]
- 69.33.410 Source [1953 c 88 sec. 3; 1951 2nd ex.s. c 22 sec. 20; RCW 69.33.190; uniform act sec. 20.]
- 69.33.420 Source [1951 2nd ex.s. c 22 sec. 21; RCW 69.33.200; uniform act sec. 21.]
- 69.33.430 Source [1951 2nd ex.s. c 22 sec. 24; RCW 69.33.160.]
This section was included in the 1951 act pursuant to the comment of the Uniform Law Commissioners
". . . that each state provide its own method of search, seizure, and forfeiture of narcotic drugs." See 9B Volume A p. 317, also p. 275. Therefore it is for all purposes a part of the act and can be codified as such.
- 69.33.440 Source [1951 2nd ex.s. c 22 sec. 23; 1923 c 47 sec. 3, part; RCW 69.32.030.] Also carried herein as section 69.32.030.
- 69.33.900 Source [1951 2nd ex.s. c 22 sec. 25; uniform act sec. 22.]
- 69.33.910 Source [1951 2nd ex.s. c 22 sec. 26; uniform act sec. 23.]

- 69.33.920 Source [1951 2nd ex.s. c 22 sec. 27; uniform act sec. 25.] "Sections 1 to 21, inclusive, 25, 26, and 29" changed to "this chapter" as the entire uniform act is codified within this chapter. Explanatory note.
- 69.33.930 through 69.33.970 Construction sections added relating to effect of repeal and reenactment.

CHAPTER 28.

[H. B. 2.]

PUBLIC INSTITUTIONS—TITLE 72 RCW REENACTMENT.

AN ACT relating to state government; enacting a public institutions code to be known as Title 72 of the Revised Code of Washington; providing penalties; repealing sections 1 through 10, pages 4 through 6, Laws of 1861; sections 1 through 5, pages 356 and 357, Laws of 1869; sections 1 through 9, pages 358 through 360, Laws of 1869; sections 1 through 26, pages 83 through 89, Laws of 1875; sections 2247 through 2275, Code 1881; sections 1 through 6, pages 37 through 38, Laws of 1883; sections 1 through 23, pages 82 through 85, Laws of 1883; sections 1 through 15, pages 141 through 144, Laws of 1885-6; sections 1 through 7, pages 144 through 145, Laws of 1885-6; sections 1 through 18, pages 152 through 155, Laws of 1885-6; chapter 60, Laws of 1888; chapter 62, Laws of 1888; sections 1 through 7, pages 269 through 271, Laws of 1889-90; sections 1 through 25, pages 271 through 277, Laws of 1889-90; sections 1 through 49, pages 482 through 495, Laws of 1889-90; chapter 147, Laws of 1891; chapter 131, Laws of 1895; chapter 67, Laws of 1897; chapter 119, Laws of 1901; chapter 167, Laws of 1901; chapter 171, Laws of 1901; chapter 110, Laws of 1903; chapter 90, Laws of 1907; chapter 156, Laws of 1907; chapter 166, Laws of 1907; sections 1, 2 and 4 through 7, chapter 97, pages 256 through 258, Laws of 1909; sections 1 through 10, chapter 97, pages 258 through 260, Laws of 1909; chapter 222, Laws of 1909; section 32, chapter 249, Laws of 1909; chapter 10, Laws of 1913; sections 1 through 5 and 8 through 14, chapter 157, Laws of 1913; chapter 81, Laws of 1915; chapter 106, Laws of 1915; sections 32, 41 and 43, chapter 7, Laws of 1921; chapter 48, Laws of 1921; chapter 74, Laws of 1925, extraordinary session; chapter 212, Laws of 1927; chapter 276, Laws of 1927; chapter 305, Laws of 1927; chapter 59, Laws of 1929; chapter 77, Laws of 1931; chapter 84, Laws of 1935; section 5, chapter 114, Laws of 1935; chapter 161, Laws of 1939; chapter 175, Laws of 1943; chapter 79, Laws of 1945; chapter 188, Laws of 1947; chapter 190, Laws of 1947; chapter 211, Laws of 1947; chapter 114, Laws of 1949; sections 20 and 52, chapter 198, Laws of 1949; chapter 135, Laws of 1951; sections 6 through 16, 40 through 50 and

65 through 69, chapter 139, Laws of 1951; chapter 234, Laws of 1951; chapter 217, Laws of 1953; chapter 232, Laws of 1953; chapter 77, Laws of 1955; chapter 94, Laws of 1955; chapter 104, Laws of 1955; chapter 128, Laws of 1955; chapter 136, Laws of 1955; chapter 195, Laws of 1955; chapter 230, Laws of 1955; chapter 240, Laws of 1955; chapter 242, Laws of 1955; chapter 245, Laws of 1955; chapter 247, Laws of 1955; chapter 248, Laws of 1955; chapter 260, Laws of 1955; chapter 314, Laws of 1955; chapter 318, Laws of 1955; chapter 19, Laws of 1957; chapter 21, Laws of 1957; chapter 25, Laws of 1957; chapter 27, Laws of 1957; chapter 29, Laws of 1957; chapter 30, Laws of 1957; chapter 54, Laws of 1957; chapter 61, Laws of 1957; chapter 102, Laws of 1957; section 5, chapter 115, Laws of 1957; chapter 136, Laws of 1957; chapter 188, Laws of 1957; chapter 217, Laws of 1957; chapter 225, Laws of 1957; chapter 272, Laws of 1957; sections 2 and 3, chapter 297, Laws of 1957; and declaring an emergency.

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

TITLE 72

STATE INSTITUTIONS

Chapter 72.01

DEPARTMENT OF INSTITUTIONS

SECTION 72.01.010 *Definitions.* As used in this title:

The word "department" means the department of institutions;

The word "director" means the director of institutions.

SEC. 72.01.020 *Department Established—Director, Qualifications, Appointment, Term.* (1) The department of institutions as an agency of the government of the state of Washington is hereby established.

(2) The office of director of institutions is hereby established.

(3) The director of institutions shall have had at least five years' institutional experience of a demon-

strably successful type in an executive or supervisory capacity in at least one type of large institution set forth in section 72.01.050.

(4) The governor, with the advice and consent of the senate, shall appoint the director of institutions who shall be the chief executive and administrative officer of the department of institutions. The director shall hold office at the pleasure of the governor who shall fix his salary. If a vacancy occurs 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 that body his nomination for the office.

SEC. 72.01.030 *Divisions of Department.* There is established within the department of institutions four divisions to be known as, (1) the division of adult corrections, (2) the division of alcoholism, (3) the division of children and youth services, and (4) the division of mental health.

SEC. 72.01.040 *Assistants and Subordinate Employees.* The director shall have authority to appoint assistants and subordinate employees, and fix their compensation, to aid him in performing the functions and duties of his office and from time to time to designate and deputize one of such employees as chief assistant director. The chief assistant director shall have charge and general supervision of the department of institutions in the absence or disability of the director and in case of a vacancy in the office of director shall continue in charge of the department of institutions until a director is appointed and qualified or until the governor appoints an acting director.

SEC. 72.01.050 *Director's Powers and Duties—Management of Public Institutions.* The director shall have full power to manage and govern the following public institutions:

The western state hospital, the eastern state hos-

pital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, the state soldiers' home and colony, the Washington veterans' home, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, the state narcotic farm colony, the Fort Worden school for the care and custody of children and youth and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

SEC. 72.01.060 *Superintendents—Appointment—Terms—Salaries—Assistants.* It shall be the duty of the director to appoint a chief executive officer for each public institution under his control, who shall devote his entire time to the duties of his office and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the director in his discretion.

No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license.

Except as otherwise provided in this title, the superintendent of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the number of such assistants and employees to be determined and fixed by the director. The superintendent of any institution may, at his pleasure, discharge any person therein employed. The director shall investigate all complaints made against the superintendent of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the superintendent.

The director may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each superintendent shall receive such salary as is fixed by the director, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve months period commencing April 1st.

SEC. 72.01.070 *Oath of Office.* The director and assistant director of the department, and the superintendent and assistant superintendent of each institution shall upon assuming office take an oath or affirmation to support the Constitution and laws of the United States and of the state of Washington and to faithfully perform the duties of his office.

SEC. 72.01.080 *Bonds.* Each officer and employee of the department having moneys or property under his direct control shall be bonded in such form of coverage and in such amount as shall be determined by the administrative board.

Such bonds shall be approved by the governor and filed with the secretary of state.

SEC. 72.01.090 *Rules and Regulations.* The department is authorized to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the public institutions placed under its control, and shall therein prescribe, in a manner consistent with the provisions of this title, the duties of the persons connected with the management of such public institutions.

SEC. 72.01.100 *Building Plans and Program.* The director shall:

(1) Prepare topographic and architectural plans for the state institutions under his control;

(2) Establish a systematic building program providing for the grouping of buildings at the institutions;

(3) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to buildings at the institutions, to accompany the estimates for the biennial budget;

(4) Supervise the erection, repair, and betterment of all such buildings.

SEC. 72.01.110 *Construction or Repair of Buildings.* The department may employ the services of competent architects for the preparation of plans and specifications for new buildings, or for repairs, changes, or additions to buildings already constructed, employ competent persons to superintend the construction of new buildings or repairs, changes, or additions to buildings already constructed and call for bids and award contracts for the erection of new buildings, or for repairs, changes, or additions to buildings already constructed: *Provided*, That the department may proceed with the erecting of any new building, or repairs, changes, or additions to any buildings already constructed, employing thereon the labor of the inmates of the institution, when in its judgment the improvements can be made in as satisfactory a manner and at a less cost to the state by so doing.

SEC. 72.01.120 ————*Award of Contracts.* When improvements are to be made under contract, notice of the call for the same shall be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder. The director is authorized to require such security as he may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract is awarded.

The director shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so, and to re-advertise in accordance with the provisions hereof. The director shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the director, faithfully comply with the same.

SEC. 72.01.130 *Destruction of Buildings—Reconstruction.* If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately under the direction of the department, by and with the advice and consent of the governor, and the expenses thereof shall be paid out of any unexpended funds appropriated to the department for any purpose, not to exceed one hundred thousand dollars: *Provided*, That if a specific appropriation for a particular project has been made by the legislature, only such funds exceeding the cost of such project may be expended for the purposes of this section.

SEC. 72.01.140 *Agricultural and Farm Economy.*
The director shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced.

SEC. 72.01.150 *Industrial Economy*. The director shall:

(1) Establish, install and operate, at the several state institutions under his control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) Supply the several institutions with the necessary industrial products produced thereat;

(3) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

(4) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

(5) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his judgment for the best interests of the state.

SEC. 72.01.160 *Deposit of Money—Institutional Revolving Account*. The director shall have the

power, and it shall be his duty, to cause all moneys or credits received from the sale or exchange of farm or industrial products produced or manufactured at the several institutions under the control of the department to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account, from which account there shall be biennially appropriated for the benefit of the several institutions under the control of the department sufficient moneys to cover the estimated biennial contribution to such account of each of the said institutions.

SEC. 72.01.170 *Health and Sanitation.* The director shall comply with all requirements of the director of health in relation to health and sanitation at the institutions under his control.

SEC. 72.01.180 *Dietitian—Duties—Expenses.* The director shall have the power to select a member of the faculty of the University of Washington, or the State College of Washington, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive his actual and necessary traveling expenses while engaged in the performance of his duties.

SEC. 72.01.190 *Fire Protection.* The director may enter into an agreement with a city or town adjacent to any state institution for fire protection for such institution.

SEC. 72.01.200 *Employment of Teachers.* The several penal and reformatory institutions of the state may employ certificated teachers to carry on

their educational work and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund.

SEC. 72.01.210 *Institutional Chaplains—Appointment.* The director is hereby directed and empowered to appoint not more than three, nor less than one chaplain for the state penitentiary; not more than two, nor less than one chaplain for the state reformatory; and one chaplain each for Green Hill school and Maple Lane school, and the chaplains so appointed shall have the qualifications, and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Note: See also section 1, chapter 33, Laws of 1959.

SEC. 72.01.220 ————*Duties.* It shall be the duty of the chaplains at the respective institutions mentioned in section 72.01.210, under the direction of the department, to conduct religious services and to give religious and moral instruction to the inmates of the institutions, and to attend to their spiritual wants. They shall counsel with and interview the inmates concerning their social and family problems, and shall give assistance to the inmates and their families in regard to such problems.

SEC. 72.01.230 ————*Offices, Chapels, Supplies.* The chaplains at the respective institutions mentioned in section 72.01.210 shall be provided with the offices and chapels at their institutions, and such supplies as may be necessary for the carrying out of their duties.

SEC. 72.01.240 *Supervisor of Chaplains.* The director is hereby empowered to appoint one of the chaplains, authorized by section 72.01.210, to act as supervisor of chaplains for the department, in addition to his duties at one of the institutions designated in section 72.01.210.

SEC. 72.01.250 *Interfaith Advisory Committee.*

An interfaith advisory committee of not less than nine and not more than twelve members shall be appointed by the governor to advise and assist the director regarding the qualifications, selection and duties of the institutional chaplains and the development of the religious programs in the state institutions.

Note: See also section 1, chapter 190, Laws of 1959.

SEC. 72.01.260 *Outside Ministers Not Excluded.*

Nothing contained in sections 72.01.210 through 72.01.250 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the director may prescribe.

SEC. 72.01.270 *Gifts, Acceptance of.* The director shall have the power to receive, hold and manage all real and personal property made over to the department by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received.

SEC. 72.01.280 *Quarters for Personnel—Charges.*

The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the director may, when in his opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his control. The words "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. Employees may be furnished with quarters and board for themselves. The director shall charge and collect from such officers and employees the full cost of the items so furnished, in-

cluding an appropriate charge for depreciation of capital items.

Note: See also section 3, chapter 39, Laws of 1959.

SEC. 72.01.290 *Record of Patients and Inmates.*

The department shall keep at its office, accessible only to the director and to proper officers and employees, and to other persons authorized by the director, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the department, the date of discharge of every person from the institution, and whether such discharge is final: *Provided*, That in addition to this information the superintendents for the hospitals for the mentally ill shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the department by the several institutions, and also such other obtainable facts as the department may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the department may prescribe.

SEC. 72.01.300 *Accounting Systems.* The director shall have the power, and it shall be his duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations.

SEC. 72.01.310 *Political Influence Forbidden.* Any officer, including the director, or employee of the department or of the institutions under the control of the department, who, by solicitation or otherwise, exercises his influence, directly or indirectly, to in-

fluence other officers or employees of the state to adopt his political views or to favor any particular person or candidate for office, shall be removed from his office or position by the proper authority.

SEC. 72.01.320 *Biennial Reports to Legislature and Governor—Contents.* The director shall examine into the conditions and needs of the several state institutions under his control and on or before the first day of December of the year preceding the session of the legislature report in writing to the governor the condition of each institution and what amount of money he deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of the institution, its general welfare and the purpose of its creation.

On or before the first Tuesday after the convening of each regular session of the legislature the director shall make to the governor and legislature a full report of the activities of his department, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally. Such report shall contain the reports made to the director by the executive officer of each institution or so much thereof as in his opinion may be proper. There shall be published in the report a complete list of the officers and employees of the department and the several institutions and the annual salary paid to each.

SEC. 72.01.330 *Advisory Commission Established.* There is established a commission of seven members to be appointed by the governor, with the consent of the senate. The governor may appoint one of the members as chairman of the commission.

- (1) Each member shall be an elector of the state.
- (2) One member shall have had five years' successful experience as a business executive.
- (3) One member shall have had five years' suc-

cessful experience as a practicing psychiatrist and shall be licensed as such in this state.

(4) One member shall have had five years' successful experience as an attorney at law and be an active member of the Washington state bar association.

(5) One member shall have had five years' practical experience in the field of labor relations.

(6) One member shall have had five years' successful practical experience in the industrial personnel field.

(7) One member shall have had four years' successful practical experience in the state governmental department or a department of a political subdivision of the state government.

(8) One member shall be a woman who shall have had five years' successful experience as a member of an organization active in one or more of the fields constituting one of the subdivisions of the department of institutions.

SEC. 72.01.340 *Appointment, Term, of Commission Members.* The members of the commission shall be appointed for terms beginning April 1, 1957, and expiring as follows: Three members for a term of two years from April 1, 1957; and two members for a term of four years from April 1, 1957; and two members for a term of six years from April 1, 1957. Each member appointed hereunder shall hold office until his successor is appointed and qualified. Upon the expiration of the term of each of the seven members appointed as aforesaid each succeeding member shall be appointed and hold office for the term of six years. In case of a vacancy it shall be filled by appointment of the governor for the unexpired portion of the term during which the vacancy occurs.

SEC. 72.01.350 *Meetings, Per Diem, Expenses of Commission.* The commission shall meet regularly

not more than once each month and may hold additional meetings upon the call of the chairman or at the request of the director. The director shall attend all meetings of the commission.

Each member shall receive a per diem allowance and traveling expenses in accordance with the rates established for other state officers and employees under RCW 43.03.050 as now or hereafter amended.

SEC. 72.01.360 *Commission Is Advisory Body.* The commission shall act as an advisory and consulting body for the department.

Chapter 72.02

DIVISION OF ADULT CORRECTIONS

SECTION 72.02.010 *Division of Adult Corrections—Established.* There is established within the department of institutions a division to be known as the division of adult corrections.

SEC. 72.02.020 *Supervisor of Adult Corrections.* The director of institutions shall appoint and deputize an assistant director to be designated the supervisor of adult corrections.

SEC. 72.02.030 ————*Qualifications.* The supervisor of the division of adult corrections shall have had five years' successful administrative experience in the adult correctional field, at the budget, policy, and administrative level: *Provided,* That a master's degree in the field of adult correction shall count for one year of experience and a doctorate degree in the field of adult correction shall count for two years' experience.

SEC. 72.02.040 ————*Powers and Duties.* The supervisor of adult corrections, through the division of adult corrections, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to

the administration of the adult correctional program by the department.

Chapter 72.03

DIVISION OF ALCOHOLISM

Note: See also chapter 85, Laws of 1959.

SECTION 72.03.010 *Declaration of Purpose.* The purpose of this chapter is to establish a state-wide program for the study, treatment and rehabilitation of persons suffering from alcoholism and those addicted to the use of alcoholic beverages, research into the causes and prevention of alcoholism and associated health problems and public education relating thereto, by creating a division on alcoholism within the state department of institutions. The division shall coordinate the efforts of all affected state, county and local agencies; develop educational and preventive programs, and promote the establishment of constructive agencies for treatment and reclamation, rehabilitation and reestablishment in society of persons suffering from alcoholism or addicted to the use of alcoholic beverages.

SEC. 72.03.020 *Definitions.* As used in this chapter:

(1) "Division" means the division on alcoholism of the state department of institutions.

(2) "Alcoholism" includes the symptoms and problems of problem drinkers and alcoholics as herein defined.

(3) "Problem drinkers" are any drinkers of intoxicating liquors who indulge in drinking which in its extent habitually goes beyond the traditional and customary dietary use, or the ordinary compliance with social drinking customs.

(4) "Alcoholics" are those persons addicted to the excessive use of alcohol, and those problem drinkers whose dependence upon or addiction to alcohol has attained such a degree that it causes a noticeable

mental disturbance or an interference with their bodily and mental health, their interpersonal relations, and their social and economic functioning.

(5) "Patients" is a general term meaning persons who are accepted for treatment under the provisions of this chapter.

SEC. 72.03.030 *Research, Educational, Treatment Program to Be Established.* The state department of institutions through the division on alcoholism, shall establish a research, educational and treatment program for the rehabilitation of alcoholics and, for the purposes of this chapter, a treatment program includes both residential and outpatient facilities and services.

SEC. 72.03.040 *Powers and Duties of Division on Alcoholism—General—"Resident" Defined.* The division is hereby authorized and empowered:

(1) To study alcoholism and its problems, including private and public methods and facilities available for care, custody, detention, treatment, employment and rehabilitation of persons who are alcoholics.

(2) To promote meetings and programs for the discussion of alcoholism or any of its aspects, disseminate information on the subject of alcoholism for the guidance and assistance of individuals, courts, and public and private agencies in the state, and for the prevention of alcoholism.

(3) To conduct, promote and finance, in full or in part, studies, investigations and research on the use and effect of alcohol, independently or in cooperation with universities and colleges, scientific organizations, and other public or private agencies.

(4) To accept for examination, evaluation, diagnosis, guidance, referral and rehabilitation, insofar as funds permit, any resident of the state, coming to the division of his own volition or applying through his legal guardian if the applicant has been adjudi-

cated incompetent. Resident, as used in this subdivision, means a person who has resided within the state for at least five years during the nine years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

(5) To contract for services not under its control for the emergency care, custody, treatment and rehabilitation of alcoholic patients.

(6) To study the advisability of using or establishing a farm or farms for alcoholics.

SEC. 72.03.050 ————*Personnel, Services, Facilities.* The division shall utilize all available and suitable personnel and facilities under the jurisdiction of the department of institutions and endeavor to obtain the services and facilities of personnel skilled in the treatment of alcoholism throughout the state.

SEC. 72.03.060 ————*Acquisition of Additional Facilities.* The division may acquire additional facilities for the purposes of this chapter by gift, loan, lease, or purchase: *Provided*, That prior to the acquisition of new or additional facilities the division shall conduct a survey of and search for potentially suitable facilities within the state and such survey and search shall include the investigation of federal, state, county, municipal and private facilities that are now or may in the future become available for state acquisition or use in connection with the division's alcoholism program.

SEC. 72.03.070 ————*Acceptance, Refusal of Gifts, Grants—Disposition of Money.* The division may accept or refuse gifts or grants of property of every nature which are given by any federal, state, local or private agency or other source to promote the division's program on alcoholism, and any moneys donated or granted for this purpose shall be deposited into the alcoholism account in the general fund of the state treasury.

SEC. 72.03.080 ————*Cooperation with Public and Private Agencies.* The division shall cooperate with public and private agencies in its establishment of an alcoholism program and such cooperation may include the acceptance or grant of funds, acceptance or supplying of facilities and personnel and participation in every reasonable manner in promoting public and private programs for the treatment of alcoholism.

SEC. 72.03.090 ————*Regulations.* For the purpose of carrying into effect the provisions of this chapter, the division shall make such regulations not inconsistent with the spirit of this chapter as it deems necessary or advisable. All regulations so made shall be public records and filed in the office of the secretary of state.

SEC. 72.03.100 *Applications for Voluntary Admittance—Contents.* Applications for voluntary admittance to the program on alcoholism shall be made to the division on forms to be provided by the division under such rules and regulations as the division shall prescribe. Such application shall provide for consent to be given by the applicant, or by his guardian if the applicant has been adjudicated incompetent, to detention for the purposes of evaluation, diagnosis or treatment of alcoholism for a period of not less than one hundred and twenty days, if required by the division.

SEC. 72.03.110 *Admission to Treatment Program—Demand for Discharge.* If the division is satisfied, after examination of the applicant, that he is in need of treatment for alcoholism and will be benefited thereby, the division may admit the applicant to the treatment program for such period of time as the division shall deem necessary for the treatment and rehabilitation of such applicant: *Provided,* That any voluntary patient who personally, or through his legal guardian if the patient has been adjudicated

incompetent, makes written demand for release from the program shall be discharged no later than one hundred and twenty days after the date of making such demand.

SEC. 72.03.120 *Liability of Officer or Employee for Detention of Person Voluntarily Admitted.* No officer or employee of the department of institutions shall be liable for the detention of any person voluntarily admitted to the program on alcoholism until the lapse of one hundred and twenty days following written demand for release made by the patient or by his legal guardian if the patient has been adjudicated incompetent, and then liability shall be incurred only if it be established that such detention was unreasonable and arbitrary.

SEC. 72.03.130 *Support of Patient—Expense, Charges, Reimbursement—Contracts for Services.* In respect to any or all items of expense incurred by the division in connection with the referral, examination, evaluation, guidance, or custody of any of its patients, the division, insofar as possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient. The amount charged is to be in accordance with the schedule of charges made by other private or public institutions. The division may accept part payment in cases where there is satisfactory evidence that full payment cannot be paid; the division may accept any portion that can be paid and the balance arranged in payments when the patient is rehabilitated. The division is to pay such charges incurred and authorized by the division for the care of the patient: *Provided*, That this chapter shall not interfere with the right of licensed private physicians, hospitals and sanatoria to enter into contracts with patients for the treatment of alcoholism respecting conditions, terms and compensations for such services.

SEC. 72.03.140 *Collection of Unpaid Charges—Disposition of Collections.* Collection of unpaid charges shall be enforceable by the state, through the department of institutions, by an action at law to be tried in the superior court of the county wherein the patient maintains his residence. All such charges and all collections by the division under this chapter shall be deposited into the alcoholism account in the general fund of the state treasury.

SEC. 72.03.150 *Inability to Contribute to Cost No Bar to Admission.* The division shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

SEC. 72.03.160 *Alcoholism Account Established.* There is established in the general fund of the state treasury an alcoholism account.

SEC. 72.03.170 *Disbursements from Alcoholism Account Limited.* No disbursements shall be made from the alcoholism account in the general fund of the state treasury in excess of the balance of such account.

Chapter 72.05

DIVISION OF CHILDREN AND YOUTH SERVICES—COUNCIL FOR CHILDREN AND YOUTH

SEC. 72.05.010 *Declaration of Purpose.* The purposes of sections 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, defective and feeble-minded person, and deaf and blind children, within the purview of sections 72.05-.010 through 72.05.210, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to

insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, Lakeland Village, Rainier school, the state school for the blind, and the state school for the deaf, and to place them under the division of children and youth services in the department of institutions; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

SEC. 72.05.020 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Council" means the state council for children and youth.

(2) "Division" means the division of children and youth services.

(3) "Supervisor" means the supervisor of children and youth services.

SEC. 72.05.030 *Division of Children and Youth Services Established.* There is hereby established within the department of institutions a division to be known as the division of children and youth services.

SEC. 72.05.040 *Supervisor of Children and Youth Services—Appointment—Qualifications.* The director of institutions shall appoint and deputize an assistant director to be known as the supervisor of children and youth services. The appointment of the supervisor shall be based upon character, education, experience, ability, and aptitudes for the duties of such position, and the supervisor of the division of children and youth shall have had five years' successful administrative experience in the field of children and youth, at the budget, policy, and administrative level: *Provided*, That a master's degree in the field of children and youth shall count for one

year of experience and a doctorate degree in the field of children and youth shall count for two years' experience.

SEC. 72.05.050 *Employees — Appointment.* All employees of the division except the supervisor and certificated teachers or employees shall be appointed through competitive examination conducted by the state personnel board.

Note: See also chapter 293, Laws of 1959.

SEC. 72.05.060 ————*Qualifications—Standards.* All appointments to employment in the division shall be based upon character, education, experience, ability, personality, temperament, and aptitude for the respective positions and without regard to political affiliation. The state personnel board, with the advice of the supervisor, shall establish the requirement standards for each classification.

SEC. 72.05.070 ————*Classification—Examinations.* The state personnel board, with the advice of the supervisor, shall designate the title of the classifications of the various employees in the division and the number of positions there are in each classification. Separate examinations shall be conducted by the state personnel board for each classification, or they may be combined as the state personnel board may elect.

SEC. 72.05.080 ————*Selection—Eligibles.* The supervisor, or the subordinate designated by him, shall select the employees of the division from the list of eligibles furnished by the state personnel board. If there is no list of eligibles when a vacancy occurs, he may hire any available person, if, in his opinion, that person is able to perform the work in a satisfactory manner and has the minimum qualifications of the position to which he is appointed.

SEC. 72.05.090 ————*Probationary Period.* Any employee selected from an eligibility list furnished by the state personnel board shall be subject to a

probationary period of six months before becoming an employee on permanent status. An employee so certified shall, within six months, pass a qualifying examination conducted by the state personnel board.

SEC. 72.05.100 ————*Temporary Status.* Any employee other than one selected from an eligibility list furnished by the state personnel board, shall be on a temporary status unless after a six months probationary period, the supervisor, with the approval of the director, shall certify him for a permanent status.

SEC. 72.05.110 ————*Discharge.* No employee on permanent status shall be discharged, except for cause, and then only after hearing by the state personnel board, or the person or persons designated by it, if demanded.

SEC. 72.05.120 ————*Applicability of Merit or Civil Service System.* In the event that the legislature enacts a merit or civil service system which includes the employees of the division, the provisions of this chapter in conflict with such merit or civil service system shall be deemed to be thereby superseded.

SEC. 72.05.130 *Powers and Duties of Division— in General — “Close Security” Institutions Designated.* The division of children and youth services shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the division and in order to accomplish these purposes, the powers and duties of the supervisor of the division of children and youth services shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other

data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the director, supervisor, governor, council, and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of defective, feeble-minded, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the division, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the director. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the division, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: *Provided*, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the division. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

SEC. 72.05.140 *Educational Facilities in Youth Institutions.* The division of children and youth services, in order to provide educational facilities for persons admitted or committed to any of the institutions, schools or facilities herein provided, is authorized either to:

(1) Enter into an agreement with the local school district within which the institution is situated or with any other local school district conveniently located in the region, or

(2) provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certifying agencies.

SEC. 72.05.150 *"Minimum Security" Institutions—Establishment—"Forest Camp Revolving Fund" Created.* The department, through the division, shall have power to acquire, establish, maintain, and operate "minimum security" facilities for the care, custody, education, and treatment of children with less serious behavior problems. Such facilities may include parental schools or homes, farm units, and

forest camps. Admission to such minimum security facilities shall be by juvenile court commitment or by transfer as herein otherwise provided. In carrying out the purposes of this section, the department may establish or acquire the use of such facilities by gift, purchase, lease, contract, or other arrangement with existing public entities, and to that end the director may execute necessary leases, contracts, or other agreements. In establishing forest camps, the department may contract with other divisions of the state and the federal government; including, but not limited to, the state division of forestry, the state parks and recreation commission, the U. S. forest service, and the national park service, on a basis whereby such camps may be made as nearly as possible self-sustaining. Under any such arrangement the contracting agency shall reimburse the department for the value of services which may be rendered by the inmates of a camp and all such reimbursements shall be credited to a "forest camp revolving fund", which fund is hereby created, and out of which funds may be disbursed towards the cost of operation and maintenance of the camp.

SEC. 72.05.160 *Contracts with Other Divisions, Agencies Authorized.* In carrying out the provisions of sections 72.05.010 through 72.05.210, the department, through the division, shall have power to contract with other divisions or departments of the state or its political subdivisions, with any agency of the federal government, or with any private social agency.

SEC. 72.05.170 *Counseling and Consultative Services.* The division may provide professional counseling services to delinquent and maladjusted children and their parents, consultative services to communities dealing with problems of children and youth, and may give assistance to law enforcement

agencies by means of juvenile control officers who may be selected from the field of police work.

SEC. 72.05.180 *State Council for Children and Youth Created — Members — Terms — Expenses — Meetings.* There is hereby created a state council for children and youth which shall consist of twenty-one members to be appointed by the governor. Of the members initially appointed, the governor shall designate seven to serve for terms of six years, seven to serve for terms of four years, and seven to serve for terms of two years. Thereafter, the terms of all members shall be for six years. Membership of the council shall be representative of and chosen from all congressional districts of the state insofar as practicable. Vacancies shall be filled by the governor for the remainder of unexpired terms. Upon their appointment and qualification, the members of the council for children and youth shall meet at Olympia and organize by the election of a chairman and secretary. Members of the council shall be entitled to their necessary traveling expenses and expenses of subsistence while engaged upon the performance of their official duties. The council shall fix the times it will regularly meet but it shall meet in regular session at least twice a year. Special meetings may be held at the call of the chairman.

SEC. 72.05.190 ————— *Functions of Council.* The state council for children and youth shall:

(1) Advise with, and formulate and recommend policies to, the director of institutions and supervisor of children and youth services in relation to the custody, care, education, treatment, and rehabilitation of youth.

(2) Develop and recommend programs designed to provide, strengthen, and coordinate such services as are deemed essential to the children and youth of the state, and to that end, cooperate with existing agencies, and to encourage and assist the organiza-

tion of committee units in the several counties of the state for local study and examination of youth problems.

(3) Collect and collaborate with other agencies and with special local committee units in collecting statistics and information regarding the behavior problems of children and the underlying causes thereof.

(4) Make continuous studies of the educational, health, recreational, economic, and working conditions of children and youth with the object in view of recommending the adoption of measures designed to correct the behavior problems of children.

(5) Make such surveys as may be deemed necessary to enable it to properly carry out its policy-making and recommendatory powers.

(6) Advise and consult with the director in the appointment of the supervisor.

SEC. 72.05.200 *Parental Right to Provide Treatment Preserved.* Nothing in sections 72.05.010 through 72.05.210 shall be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this state.

SEC. 72.05.210 *Juvenile Court Law—Applicability—Synonymous Terms.* Sections 72.05.010 through 72.05.210 shall be construed in connection with and supplemental to the juvenile court law as embraced in chapter 13.04 RCW. Process, procedure, probation by the court prior to commitment, and commitment shall be as provided therein. The terms “delinquency”, “delinquent” and “delinquent children” as used and applied in the juvenile court law and the terms “behavior problems” and “children with behavior problems” as used in sections 72.05.010 through 72.05.210 are synonymous and interchangeable.

SEC. 72.05.300 *Parental Schools—Leases, Purchases—Powers of School District.* The department, through the division, may execute leases, with options to purchase, of parental school facilities now or hereafter owned and operated by school districts, and such leases with options to purchase shall include such terms and conditions as the director of institutions deems reasonable and necessary to acquire such facilities. Notwithstanding any provisions of the law to the contrary, the board of directors of each school district now or hereafter owning and operating parental school facilities may, without submission for approval to the voters of the school district, execute leases, with options to purchase, of such parental school facilities, and such leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of such facilities in a manner beneficial to the school district. The department, through the division, if it enters into a lease, with an option to purchase, of parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease, with an option to purchase, of parental school facilities, upon exercise of the option to purchase by the department, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

SEC. 72.05.310 ————*Personnel.* The department, through the division, may employ personnel, including but not limited to, superintendents and all other officers, agents, and teachers necessary to the operation of parental schools.

Chapter 72.06

DIVISION OF MENTAL HEALTH

SECTION 72.06.010 *Division of Mental Health—Established.* There is established within the department of institutions a division to be known as the division of mental health.

SEC. 72.06.020 *Supervisor of Mental Health.* The director of institutions shall appoint and deputize an assistant director to be designated the supervisor of mental health.

SEC. 72.06.030 ————*Qualifications.* The supervisor of the division of mental health shall be a doctor of medicine and shall have had five years' of successful administrative experience in the field of mental health at the budget, policymaking, and administrative level, and, in addition, shall have successful experience in the clinical and clinical administrative mental illness field.

SEC. 72.06.040 ————*Powers and Duties.* The supervisor of mental health, through the division of mental health, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to the administration of the mental health program by the department.

SEC. 72.06.050 *Mental Health—Dissemination of Information and Advice by Department.* The department shall cooperate with other departments of state government and its political subdivisions in the following manner:

(1) By disseminating educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorders or mental deficiency.

(2) Upon request therefor, by advising public officers, organizations and agencies interested in the mental health of the people of the state.

SEC. 72.06.060 ————*Psychiatric Outpatient Clinics.* The department is hereby authorized to establish and maintain psychiatric outpatient clinics at such of the several state mental institutions as the director shall designate for the prevention, diagnosis and treatment of mental illnesses, deficiencies or disorders, and the services of such clinics shall be available to any citizen of the state in need thereof, when determined by a physician that such services are not otherwise available, subject to the rules of the department.

SEC. 72.06.070 ————*Cooperation of Department and State Hospitals With Local Programs.* The department and the several state hospitals for the mentally ill shall cooperate with local mental health programs by providing necessary information, recommendations relating to proper after care for patients paroled or discharged from such institutions and shall also supply the services of psychiatrists, psychologists and other persons specialized in mental illness as they are available.

SEC. 72.06.080 ————*Duties of Local Agencies—Local Committees Authorized.* The board of health in any health district created under the provisions of chapter 70.46 RCW; and in all counties not having a health district, the county board of health; and in cities of the first class, the city health department, or a combined city-county health department as provided in chapter 70.08 RCW (hereinafter called "the local health department") shall:

(1) Cooperate with the patient's physician and the several state hospitals for the mentally ill, in providing necessary after care services for patients who leave the state hospitals for the mentally ill on a parole or discharge basis. The local health department in cooperation with the local county or district medical society shall coordinate, plan and de-

velop consultative and other necessary supporting services for such patients.

(2) Cooperate with the county or district medical society, in coordinating, planning, and developing consultative and other services with respect to persons who have emotional or mental problems or persons who appear to be in need of specialized help because of such problems: *Provided*, That the community mental health program shall cooperate with any juvenile delinquency prevention program of the division of children and youth services.

(3) Establish, in cooperation with the county or district medical society, a community mental health committee for the geographical area within the local health department jurisdiction. The committee shall be composed of available representatives from the county or district medical society, the courts, law enforcement agencies, public and private school authorities, public assistance department, the clergy, and other organized groups interested in the field of mental health. Such committee shall meet and organize within three months after June 8, 1955, and shall hold at least two meetings each year. Such committee with the assistance of the county or district medical society and the local health department shall study the causes and incidence of emotional and mental illness and disorders in the community and may develop a local mental health program and formulate plans for prevention, discovery and treatment of such disorders consistent with the findings of the study and in conjunction with the services of the outpatient clinics of the several state hospitals whenever such services are available in the local community.

(4) In cooperation with the county or district medical society and the local mental health committee, conduct such educational and related work as will tend to encourage the development of a sound

mental health program, and in so doing may have consultation and assistance from the state department of health.

SEC. 72.06.090 ————*Local Health Department's Staff—State Financial Assistance.* The local health department may employ a specialized staff to assist in carrying out the local mental health program and may apply to the state department of health for financial assistance from appropriations to the department for this purpose.

Chapter 72.08

STATE PENITENTIARY

SECTION 72.08.010 *What Constitutes Penitentiary.* The entire area of lands situated near the city of Walla Walla, donated to the territory of Washington for penitentiary purposes by the people of Walla Walla, and all lands acquired thereafter, together with all structures, buildings and inclosures thereon, are hereby declared to be, and they shall hereafter be known as, the state penitentiary.

SEC. 72.08.020 *Visitation.* It shall be the duty of the director to have an officer of the department visit the penitentiary once in each month and oftener if necessary.

SEC. 72.08.040 *Duties of Superintendent.* The superintendent shall reside at the penitentiary, and it shall be his duty:

(1) Under the order and direction of the department to prosecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the penitentiary and its management, such suits to be prosecuted by the attorney general, in the name of the department.

(2) To supervise the government, discipline and police of the penitentiary, and to enforce all orders

and regulations of the department in respect to the penitentiary. He shall keep a registry of the convicts, in which shall be entered the names of each convict, the crime for which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, an accurate description of his person, and whether he has previously been confined in a prison in this or any other state, and if so where, and how he was discharged.

(3) To perform such other duties as may be prescribed by the department.

SEC. 72.08.045 *Temporary Rules.* When in his opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the penitentiary, which shall remain in effect until terminated by the director.

SEC. 72.08.050 *Employment of Intemperate Person Prohibited.* No person shall be appointed to any office or be employed in the penitentiary on behalf of the state who is in the habit of intemperate use of liquors, and a single act of intemperance shall justify his discharge or removal.

SEC. 72.08.070 *Disposition of Moneys.* All moneys received or collected by the superintendent, unless otherwise provided, from sales of industrial or agricultural products of the state penitentiary or for services in relation to the industrial and agricultural operations of the penitentiary shall be paid by him into the state treasury to the credit of the state institutional revolving account.

SEC. 72.08.080 *Control of Revenues.* All revenues of the penitentiary, unless herein otherwise provided, shall be paid to the superintendent who alone is authorized to receipt for the same and discharge from liability. When any sum of money is

paid to the superintendent he shall cause the same to be properly entered on the books.

SEC. 72.08.090 *Fiscal Reports to Auditor.* On payment of any moneys into the state treasury, the superintendent and state treasurer shall report to the auditor of state the amount so paid, and the state treasurer shall give the superintendent a receipt therefor, which receipt shall be filed with the auditor.

SEC. 72.08.100 *Treatment of Prisoners.* In the treatment of the prisoners the following general rules shall be observed:

(1) Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive of good health.

(2) No punishment shall be inflicted except by the order and under the direction of the superintendent.

(3) The superintendent shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall return the same or the proceeds thereof, to the convict when discharged, or to his legal representative in case of his death. In the case of the death of a convict without being released, if no legal representative shall demand such property within five years, it shall be paid into the state treasury.

(4) The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

(5) Each convict when he leaves the penitentiary shall be supplied with any sum which may have been presented to him from any source. The prisoner shall be entitled, if he so elects, to immunity from having his hair cut or being shaved for three

calendar months immediately prior to his discharge. It shall not be lawful for the officers of the penitentiary to furnish or permit to be furnished to anyone for publication the name of any prisoner about to be discharged.

SEC. 72.08.110 *Procedure As to Insane Convicts.* When the superintendent, and such other officers as may be designated by the director to act with him in such cases, are of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the superintendent shall certify the fact to the superintendent of one of the state hospitals for the mentally ill, and shall forthwith send such convict to such hospital for care and treatment. If at the expiration of the term of sentence the insane convict is still in the hospital for the mentally ill, he shall be allowed to remain there until discharged cured. The superintendent shall also send to the department a copy of the certificate, and thereafter a statement as to his subsequent acts, regarding the insane convict. The superintendent of the hospital for the mentally ill shall receive such convict, and keep him until cured. He shall, upon receipt of the insane convict, notify the department of the fact, giving name, date and where from, and from whose hands received. When in the opinion of the superintendent the insane convict is cured of insanity, he shall immediately notify the department thereof; and he shall also notify the superintendent of the penitentiary, who shall immediately send for, take, and receive the convict back into the penitentiary. The time passed at the hospital shall count as a part of the convict's sentence.

Before discharging any convict who may be insane at the time of the expiration of his sentence, the superintendent shall first give notice in writing to the superior court of the county in which the peni-

tentiary is located, of the fact of such insanity, whereupon such court shall forthwith make an order, and deliver it to the sheriff of the county, commanding him to bring the insane convict before the court. Upon receipt of the order the sheriff shall execute and return it forthwith to the court, and thereupon the court shall cause proper examination to be made by medical experts, and if it satisfactorily appears that the convict is insane, the court shall order him to be confined in one of the hospitals for the mentally ill. The sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, to be paid in the same manner. If any judge, after having been notified by the superintendent, neglects to cause such order to be made as herein provided, or if the sheriff neglects to remove any such insane convict as required by the provisions of this section, the superintendent shall cause the insane convict to be removed before the superior court of the county in which the penitentiary is located, in charge of an officer of the penitentiary, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff.

SEC. 72.08.120 *Rules and Regulations.* The director shall have power to make rules and regulations for the discipline, employment, instruction, education and compensation of prisoners in the Washington state penitentiary.

SEC. 72.08.130 *Water Supply—Buildings.* The director shall have power to contract for the supply of water for said penitentiary, upon such terms as he shall deem to be for the best interests of the state, or furnish water themselves, at their option. The department shall have full power to erect any building or structure deemed necessary, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the

penitentiary, or from the earnings thereof, without advertising or contracting therefore: *Provided*, That no buildings or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor: *Provided further*, That such expenditure shall in no instance exceed ten thousand dollars without a special appropriation therefor by the state legislature.

SEC. 72.08.140 *Extra Emoluments Prohibited*. No officer or employee shall receive, directly or indirectly, any compensation for his services other than that prescribed by the director; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor or agent or employee of a contractor. For any violations of the provisions of this section the officer, agent or employee of the state shall be discharged from his office or service; and every contractor or employee or agent of a contractor engaged therein, shall be expelled from the penitentiary grounds, and not again permitted within the same as a contractor, agent or employee.

SEC. 72.08.150 *Trafficking With Prisoners—Penalties*. No officer or employee of the state, or contractor or employee of a contractor, shall, without permission of the department make any gift or present to a convict, or receive any from a convict, or have any barter or dealing with a convict. For every violation of this section the offending party shall be guilty of a gross misdemeanor and shall incur in addition thereto the penalty as prescribed in section 72.08.140.

SEC. 72.08.160 *Interest in Contract or Purchase Forbidden*. No officer or employee of the penitentiary shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by anyone for or on behalf of the penitentiary.

SEC. 72.08.170 *Rewards.* The director shall have power to offer rewards not exceeding two hundred dollars, in the one case for the return of escaped convicts, and to pay the expenses of the apprehension, safekeeping and return of all escaped convicts by the officers of the penitentiary. He shall certify the amount of reward allowed and expenses incurred to the state auditor, who shall draw his warrant for the amount found due on the state treasurer, who shall pay the same out of any funds available therefor.

SEC. 72.08.343 *Clothing, Transportation, Funds On Release of Prisoners.* Every person confined in the state penitentiary pursuant to court order, or transferred therefrom to another facility for the custody of the inmates of such penal institution, upon his parole or release, shall be supplied by the superintendent, except as otherwise provided, with:

- (1) Suitable and presentable clothing,
- (2) transportation to his place of residence or place where approved employment has been gained within the state: *Provided*, That if an out-of-state parole plan has been approved by the board of prison terms and paroles, then an amount not to exceed twenty-five dollars may be expended by the superintendent for transportation, and
- (3) the sum of forty dollars.

If any inmate to be released from such penal institution, or other facilities of the department of institutions to which an inmate has been transferred, has, in the opinion of the superintendent, ample funds with which to defray the expenses as required by subdivisions (1), (2), and (3), or any one or more of them, he shall be required to do so, or, if in the opinion of the superintendent suitable arrangements have otherwise been made for the expenses of providing the requirements of subdivisions (1), (2),

or (3), or any one or more of them, the superintendent may consent to any or all of such arrangements.

SEC. 72.08.380 *Letters of Inmates May Be Withheld.* Whenever the superintendent of the state penitentiary withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the director of institutions for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and then destroyed.

Chapter 72.12

STATE REFORMATORY

SECTION 72.12.010 *Management.* The Washington state reformatory heretofore established and located at Monroe in Snohomish county shall be equipped and managed in the manner and for the purpose in this chapter hereinafter provided.

SEC. 72.12.020 *Control Vested in Department.* The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the director of institutions.

SEC. 72.12.040 *Subordinate Officers—Personnel.* The superintendent, by and with the advice and consent of the director, shall appoint the physicians, and such subordinate officers, guards and employees as the number of prisoners or the needs of the institution may from time to time require.

SEC. 72.12.050 *Prisoners to Be Received at Reformatory.* The director, through the superintendent of the reformatory, shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in any court having jurisdiction

thereof; and all male prisoners who may be removed from any other penal institution of the state as provided by law.

Note: See also section 1, chapter 251, Laws of 1959.

SEC. 72.12.070 *Rules and Regulations.* The director shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

SEC. 72.12.090 *Business Management.* The business management, sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the director under such regulations as may be prescribed by the director of budget.

SEC. 72.12.100 *Director's Duty — Register of Prisoners.* It shall be the duty of the director to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self-support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the director shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the director or superintendent.

SEC. 72.12.122 *Clothing, Transportation, Funds On Release of Prisoners.* Every person confined in

the state reformatory pursuant to court order, or transferred therefrom to another facility for the custody of the inmates of such penal institution, upon his parole or release, shall be supplied by the superintendent, except as otherwise provided, with:

- (1) Suitable and presentable clothing,
- (2) transportation to his place of residence or place where approved employment has been gained within the state: *Provided*, That if an out-of-state parole plan has been approved by the board of prison terms and paroles, then an amount not to exceed twenty-five dollars may be expended by the superintendent for transportation, and
- (3) the sum of forty dollars.

If any inmate to be released from such penal institution, or other facilities of the department of institutions to which an inmate has been transferred, has, in the opinion of the superintendent, ample funds with which to defray the expenses as required by subdivisions (1), (2), and (3), or any one or more of them, he shall be required to do so, or, if in the opinion of the superintendent suitable arrangements have otherwise been made for the expenses of providing the requirements of subdivisions (1), (2), or (3), or any one or more of them, the superintendent may consent to any or all of such arrangements.

SEC. 72.12.140 *Letters of Inmates May be Withheld.* Whenever the superintendent of the state reformatory withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the director of institutions for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and then destroyed.

Chapter 72.16

GREEN HILL SCHOOL

SECTION 72.16.010 *School Established.* There is established at Chehalis, Lewis county, an institution which shall be known as the Green Hill school.

SEC. 72.16.020 *Purpose of School.* The said school shall be for the keeping and training of all boys between the ages of eight and eighteen years who are residents of the state of Washington and who are lawfully committed to said institution.

SEC. 72.16.070 *Curriculum.* All branches taught in at least the first eight grades of the public schools shall be taught in the Green Hill school. The inmates shall be taught and trained in morality, temperance, frugality, and they shall also be instructed in the different trades and callings insofar as possible, within the scope of the institution.

SEC. 72.16.080 *Investigations—Return of Incurrigibles.* The department shall investigate all charges made by the superintendent against any inmate or inmates of the school, and if, after the investigation of such charges, any inmate or inmates of the school shall be found incurrigible, unmanageable or detrimental to the best interest of the school, such inmate shall be returned to the court which made the commitment.

SEC. 72.16.090 *Reports.* The superintendent shall, at the close of each year, make a full and complete report to the department, of the condition, number and standing of the inmates of the school, as well as the number received and the number dismissed during the year, and he shall give such further information as the department may require.

Chapter 72.20

MAPLE LANE SCHOOL

SECTION 72.20.010 *School Established.* There is established at Grand Mound, Thurston county, an institution which shall be known as the Maple Lane school.

SEC. 72.20.020 *Management — Superintendent.* The government, control and business management of such school shall be vested in the department. The director shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as they may deem just and proper, not inconsistent with this chapter. The superintendent and all subordinate officers of the school shall be women: *Provided, however,* If a married woman be appointed superintendent or to any subordinate position, the husband of such appointee may, with the consent of the director, reside at the institution, and may be assigned such duties or employment as the director may prescribe.

Note: See also section 1, chapter 39, Laws of 1959.

SEC. 72.20.040 *Duties of Superintendent.* The superintendent, subject to the direction and approval of the director shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the director, as may seem to her

proper or necessary for the government of such institution and for the employment, discipline and education of the inmates.

(3) Exercise such other powers, and perform such other duties as the director may prescribe.

Note: See also section 2, chapter 39, Laws of 1959.

SEC. 72.20.050 *Parole or Discharge—Behavior Credits.* The department, acting with the superintendent, shall, under a system of marks, or otherwise, fix upon a uniform plan by which girls may be paroled or discharged from the school, which system shall be subject to revision from time to time. Each girl shall be credited for personal demeanor, diligence in labor or study and for the results accomplished, and charged for derelictions, negligence or offense. The standing of each girl shall be made known to her as often as once a month.

SEC. 72.20.060 *Conditional Parole—Apprehension on Escape or Violation of Parole.* Every girl shall be entitled to a trial on parole before reaching the age of twenty years, such parole to continue for at least one year unless violated. The superintendent and resident physician, with the approval of the director, shall determine whether such parole has been violated. Any girl committed to the school who shall escape therefrom, or who shall violate a parole, may be apprehended and returned to the school by any officer or citizen on written order or request of the superintendent.

SEC. 72.20.065 *Intrusion—Enticement Away of Girls—Interference—Penalty.* Any person who shall go upon the school grounds except on lawful business, or by consent of the superintendent, or who shall entice any girl away from the school, or who shall in any way interfere with its management or discipline, shall be guilty of a misdemeanor.

SEC. 72.20.070 *Eligibility Restricted.* No girl shall be received in the Maple Lane school who is

not of sound mind, or who is subject to epileptic or other fits, or is not possessed of that degree of bodily health which should render her a fit subject for the discipline of the school. It shall be the duty of the court committing her to cause such girl to be examined by a reputable physician to be appointed by the court, who will certify to the above facts, which certificate shall be forwarded to the school with the commitment. Any girl who may have been committed to the school, not complying with the above requirements, may be returned by the superintendent to the court making the commitment, or to the officer or institution last having her in charge. The department shall arrange for the transportation of all girls to and from the school.

SEC. 72.20.080 *Education—State Board of Education to Supervise.* It shall be the duty of the superintendent, subject to the approval of the director, to employ teachers, and as far as practicable, to instruct the girls in all of the branches usually taught in the grades of the common schools of the state, also in such trades and vocational occupations as may be found desirable. The educational work of the school shall be a part of the educational system of the state, and as such shall be under the supervision of the state board of education. Only those certified by the state superintendent of public instruction shall be employed as teachers.

SEC. 72.20.090 *Hiring Out — Apprenticeships — Compensation.* The superintendent shall have power to place any girl under the age of eighteen years at any employment for account of the institution or the girl employed, and receive and hold the whole or any part of her wages for the benefit of the girl less the amount necessary for her board and keep, and may also, with the consent of any girl over fourteen years of age, and the approval of the director endorsed thereon, execute indentures of apprentice-

ship, which shall be binding on all parties thereto. In case any girl so apprenticed shall prove untrustworthy or unsatisfactory, the superintendent may permit her to be returned to the school, and the indenture may thereupon be canceled. If such girl shall have an unsuitable employer, the superintendent may, with the approval of the director, take her back to the school, and cancel the indenture of apprenticeship. All indentures so made shall be filed and kept in the school. A system may also be established, providing for compensation to girls for services rendered, and payments may be made from time to time, not to exceed in the aggregate to any one girl the sum of twenty-five dollars for each year of service.

Chapter 72.23

STATE HOSPITALS FOR THE MENTALLY ILL

SECTION 72.23.010 *Definitions.* As used in this chapter, the following terms shall have the following meanings:

“Mentally ill person” shall mean any person found to be suffering from psychosis or other disease impairing his mental health, and the symptoms of such disease are of a suicidal, homicidal, or incendiary nature, or of such nature which would render such person dangerous to his own life or to the lives or property of others.

“Patient” shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

“Licensed physician” shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

“State hospital” shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

“Superintendent” shall mean the superintendent of a state hospital.

“Court” shall mean the superior court of the state of Washington.

“Resident” shall mean a resident of the state of Washington who has maintained his domiciliary residence within this state for a period of two years immediately preceding commitment.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

SEC. 72.23.020 *State Hospitals Designated.* There are hereby permanently located and established the following state hospitals: Western state hospital at Fort Steilacoom, Pierce county; eastern state hospital at Medical Lake, Spokane county; and northern state hospital near Sedro Woolley, Skagit county.

SEC. 72.23.030 *Superintendent — Residence — Qualifications—Powers.* The superintendent of a state hospital shall be a skillful practicing physician, and shall reside in the hospital; he shall have control of the medical, therapeutic, and dietetic treatment of the patients, which shall include authority to cause the performance of all necessary surgery. The superintendent, subject to rules and regulations of the department, shall have control of the internal government and economy of a state hospital, shall appoint and direct all subordinate officers and employees, and shall designate those employees whose residence at the hospital is deemed essential for its proper operation.

SEC. 72.23.040 *Seal of Hospital.* The superintendent shall provide an official seal upon which shall be inscribed the statutory name of the hospital under his charge and the name of the state. He shall affix

the seal of the hospital to any notice, order of discharge, or other paper required to be given by him or issued.

SEC. 72.23.050 *Superintendent as Witness—Exemptions from Military, Jury Duty.* The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceedings, but parties desiring his testimony can take and use his disposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony require his attendance; and he and all other persons employed at the hospital shall be exempt from serving on juries; and, in time of peace, from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

SEC. 72.23.060 *Gifts—Record—Use.* The superintendent is authorized to accept and receive from any person or organization gifts of money or personal property on behalf of the state hospital under his charge, or on behalf of the patients therein. The superintendent is authorized to use such money or personal property for the purposes specified by the donor where such purpose is consistent with law. In the absence of a specified use the superintendent may use such money or personal property for the benefit of the state hospital under his charge or for the general benefit of the patients therein. The superintendent shall keep an accurate record of the amount or kind of gift, the date received, and the name and address of the donor. The superintendent may deposit any money received as he sees fit upon the giving of adequate security. Any increase resulting from such gift may be used for the same purpose as the original gift. Gratuities received for services rendered by a state hospital staff in their official ca-

capacity shall be used for the purposes specified in this section.

SEC. 72.23.070 *Voluntary Patients—Right to Receive—Application.* Pursuant to rules and regulations established by the department, the superintendent of a state hospital may receive and detain any person who is, in his opinion, a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of an adult person, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody;

(3) In the case of an adult person for whom a guardian of the person has been appointed, such application shall be made by said guardian, when so authorized by proper court order in the guardianship proceedings.

SEC. 72.23.080 ————*Legal Competency—Record.* Any person received and detained in a state hospital pursuant to section 72.23.070 shall be deemed a voluntary patient and shall not suffer a loss of legal competency by reason of his application and admission. Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the department the record of such patient showing the name, address, sex, age, place of birth, occupation, date of admission, name of nearest relative, and such other information as the department may from time to time require.

SEC. 72.23.090 ————*Detention.* No adult person received into a state hospital under such volun-

tary application shall be detained therein for more than twelve days after his having given notice in writing to the superintendent of his desire to leave such hospital. No minor person or adult for whom a guardian of the person has been appointed received into a state hospital as a voluntary patient, shall be detained therein for more than twelve days after notice is given in writing to the superintendent by the parents, or the parent or guardian or other person entitled to custody of the minor or adult under guardianship, of their desire to remove him from the hospital. If the superintendent believes that further care, treatment or restraint is required, he shall, within the twelve day period, start proceedings for the involuntary hospitalization of such patient. A minor received into a state hospital as a voluntary patient shall not be detained after he reaches the age of majority, but such minor upon reaching majority may apply for admission into a state hospital as a voluntary patient: *Provided, however,* If said notice is given within less than eighteen days from date of admission the superintendent shall have the right to detain such voluntary patient for a period not to exceed thirty days from time of admission.

SEC. 72.23.100 ————*Policy—Duration—Residence Qualification.* It shall be the policy of the department to permit liberal use of the foregoing sections for the admission of those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the superintendent, within a period of six months. No person shall be carried as a voluntary patient for a period of more than one year. No person shall be admitted as a voluntary patient who has not been a resident of the state of Washington for a period of two years immediately preceding application for admission.

SEC. 72.23.110 ————*Limitation As to Number.* If it becomes necessary because of inadequate

facilities or staff, the department may limit applicants for voluntary admission in accordance with such rules and regulations as it may establish. The department may refuse all applicants for voluntary admission where lack of adequate facilities or staff make such action necessary.

SEC. 72.23.120 —————*Charges For Hospitalization.* Payment of hospitalization charges shall not be a necessary requirement for voluntary admission: *Provided, however,* The department may request payment of hospitalization charges, or any portion thereof, from the patient or relatives of the patient within the following classifications: Spouse, parents, or children. Where the patient or relatives within the above classifications refuse to make the payments requested, the department shall have the right to discharge such patient or initiate proceedings for involuntary hospitalization. The maximum charge shall be the same for voluntary and involuntary hospitalization.

SEC. 72.23.130 *History of Patient.* It shall be the duty of the superintendent to ascertain by diligent inquiry and correspondence, the history of each and every patient admitted to his hospital.

SEC. 72.23.140 *Parole or Discharge—Revocation of Parole.* Whenever in the judgment of the superintendent of any state hospital, any patient shall have so far recovered as to make it safe for such patient and for the public to allow him to be at large, the superintendent may parole such patient and allow him to leave such hospital, and whenever in the judgment of the superintendent any patient has been restored his mental health and is probably free from danger of relapse or recurrence of mental illness, the superintendent shall discharge such patient from the hospital. The superintendent may parole patients on such terms and conditions as he may deem advisable. Whenever a patient shall have been in a

parole status for a period of one year, the superintendent shall review such patient's case relative to the advisability of discharge.

No indigent patient shall be paroled or discharged without suitable clothing, and the superintendent shall furnish the same, together with such sum of money as he shall deem necessary for the immediate welfare of the patient, not to exceed fifty dollars. When the superintendent revokes the parole of any patient, he may request the superior court of the county wherein the patient is found to order the apprehension and detention of such patient. The court shall thereupon order the apprehension of such patient and shall detain him until returned to the state hospital by the superintendent. Such detention shall be in facilities set forth in RCW 71.02.130 and subject to time limitations therein stated. The various county welfare departments shall assist the superintendents of the state hospitals in the placement of paroled or discharged patients in suitable surroundings when so requested by said superintendents.

SEC. 72.23.150 *Parole—Revocation by Court—Emergency Detention.* Whenever it shall be made to appear to the superior court of any county that any paroled patient found in such county has become unsafe to be at large, said court shall order such patient apprehended and returned to the hospital from which he was paroled and shall direct the sheriff to notify the superintendent of such order, which order of return shall be executed by the department. In emergencies requiring immediate apprehension and detention, or at times when superior courts are not open for business, the sheriff may apprehend said parolee and detain him without warrant pending the issuance of a superior court order.

SEC. 72.23.160 *Escape—Apprehension and Return.* If a patient shall escape from a state hospital

the superintendent shall cause immediate search to be made for him and return him to said hospital wherever found. Notice of such escape shall be given to the committing court who may issue an order of apprehension and return directed to any peace officer within the state. Notice may be given to any sheriff or peace officer, who, when requested by the superintendent, may apprehend and detain such escapee or return him to the state hospital without warrant.

SEC. 72.23.170 *Escape of Patient—Penalty for Assisting.* Any person who procures the escape of any patient of any state hospital for the mentally ill, or institutions for psychopaths to which such patient has been lawfully committed, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a felony and shall be punished by imprisonment in a state penal institution for a term of not more than five years or by a fine of not more than five hundred dollars or by both imprisonment and fine.

SEC. 72.23.180 *Discharge, Parole, Death, Escape—Notice—Certificate of Discharge.* Whenever a patient dies, escapes, or is paroled or discharged from a state hospital, the superintendent shall immediately notify the clerk of the court which ordered such patient's hospitalization. A copy of such notice shall be given to the next of kin or next friend of such patient if their names or addresses are known or can, with reasonable diligence, be ascertained. Whenever a patient is discharged the superintendent shall issue such patient a certificate of discharge. Such notice or certificate shall give the date of parole, discharge, or death of said patient, and shall state the reasons for parole or discharge, or the cause of death, and shall be signed by the superintendent.

SEC. 72.23.190 *Death—Report to Coroner.* In the event of the sudden or mysterious death of any

patient at a state hospital, not on parole or escape therefrom, such fact shall be reported by the superintendent thereof to the coroner of the county in which the death occurs.

SEC. 72.23.200 *Minors—Confinement in Adult Wards.* No mentally ill person under the age of sixteen years shall be regularly confined in any ward in any state hospital which ward is designed and operated for the care of the adult mentally ill. No person between the ages of sixteen and eighteen shall be placed in any such ward, when in the opinion of the superintendent such placement would be detrimental to the mental condition of such a minor person or would impede his recovery or treatment.

SEC. 72.23.210 *Minors—Special Wards and Attendants.* The department may designate one or more wards at one or more state hospitals as may be deemed necessary for the sole care and treatment of minors admitted thereto. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

SEC. 72.23.220 *Letters To or From Patients.* The superintendent shall furnish each patient the material for writing at least one letter per week, if he shall request the same, unless otherwise provided. Patients' letters shall be subject to the inspection of the superintendent, who shall mail to the proper address thereof such of them as in his judgment should be sent, and he shall retain such letters as he considers objectionable which he shall forward to the director for study. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and

then destroyed. All letters directed to the patients shall be delivered to them if, in the judgment of the superintendent, their contents are not prejudicial to the mental condition of the patient.

SEC. 72.23.230. *Patient's Property—Superintendent As Custodian—Management and Accounting.* The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse moneys from the patients' funds for the following purposes only and subject to the following limitations:

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization charges of such patient; and

(3) When a patient is paroled, the superintendent shall deliver unto the said patient all or such portion of the funds or other property belonging to the patient as the superintendent may deem necessary and proper in the interests of the patient's welfare, and the superintendent may during the parole period deliver to the patient such additional property or funds belonging to the patient as the superintendent may from time to time determine necessary and proper. When a patient is discharged from the jurisdiction of the hospital, the superintendent shall deliver to such patient all funds or other property belonging to the patient.

All funds held by the superintendent as custodian

may be deposited in a single fund. Annual reports of receipts and expenditures shall be forwarded to the department, and shall be open to inspection by interested parties.

The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority to pay state hospitalization charges upon the superintendent's receipt of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall forward to such guardian any funds or other property of the patient remaining in the superintendent's possession, together with a final accounting of receipts and expenditures.

Note: See also section 1, chapter 60, Laws of 1959.

SEC. 72.23.240 ————*Delivery to Superintendent As Acquittance—Defense, Indemnity.* Upon receipt of a written request signed by the superintendent stating that a designated patient of such hospital is involuntarily hospitalized therein, and that no guardian of his estate has been appointed, any person, bank, firm or corporation having possession of any money, bank accounts, or choses in action owned by such patient, may, if the balance due does not exceed one thousand dollars, deliver the same to the superintendent and mail written notice thereof to such patient at such hospital. The receipt of the superintendent shall be full and complete acquittance for such payment and the person, bank, firm or corporation making such payment shall not be liable to the patient or his legal representatives. All funds so received by the superintendent shall be deposited in such patient's personal account at such hospital and be administered in accordance with this chapter.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, firm or corporation effecting such delivery, and the state shall indemnify such person, bank, firm or

corporation against any judgment rendered as a result of such proceeding.

SEC. 72.23.250 *Funds Donated to Patients.* The superintendent shall also have authority to receive funds for the benefit of individual patients and may disburse such funds according to the instructions of the donor of such funds.

SEC. 72.23.260 *Federal Patients — Agreements Authorized.* The department shall have the power, in the name of the state, to enter into contracts with any duly authorized representative of the United States government, providing for the admission to, and the separate or joint observation, maintenance, care, treatment and custody in, state hospitals of persons entitled to or requiring the same, at the expense of the United States, and contracts providing for the separate or joint maintenance, care, treatment or custody of such persons hospitalized in the manner provided by law, and to perform such contracts, which contracts shall provide that all payments due the state of Washington from the United States for services rendered under said contracts shall be paid to the department.

SEC. 72.23.270 *Exclusions From State Hospitals — Idiots, Imbeciles, Etc.* No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania a potu shall be hospitalized in a state hospital; and whenever, in the opinion of the superintendent after careful examination of the case of any person hospitalized, it shall be ascertained that such person comes within the rule of exemptions provided for by this section the superintendent shall have the authority to discharge such person and return him to the county from which he was ordered hospitalized, at the expense of said county.

SEC. 72.23.280 *Nonresidents — Hospitalization.* Nonresidents of this state conveyed or coming herein

while mentally ill shall not be hospitalized in a state hospital, but this prohibition shall not prevent the hospitalization and temporary care in said hospitals of such persons stricken with mental illness while traveling or temporarily sojourning in this state, or sailors attacked with mental illness upon the high seas and first arriving thereafter in some port within this state.

SEC. 72.23.290 *Transfer of Patients—Authority of Transferee.* Whenever it appears to be to the best interests of the patients concerned, the department shall have the authority to transfer such patients among the various state hospitals pursuant to rules and regulations established by said department. The superintendent of a state hospital shall also have authority to transfer patients eligible for treatment to the veterans' administration or other United States government agency where such transfer is satisfactory to such agency. Such agency shall possess the same authority over such patients as the superintendent would have possessed had the patient remained in a state hospital.

SEC. 72.23.300 *Bringing Narcotics, Intoxicating Liquors, Weapons, Etc., Into Institution or its Grounds Prohibited—Penalty.* Any person not authorized by law so to do, who brings into any state institution for the care and treatment of mental illness or within the grounds thereof, any opium, morphine, cocaine or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons, or explosives of any kind is guilty of a felony.

SEC. 72.23.900 *Construction—Purpose.* The provisions of this chapter shall be liberally construed so that persons who are in need of care and treatment for mental illness shall receive humane care and treatment and be restored to normal mental

condition as rapidly as possible with an avoidance of loss of civil rights where not necessary, and with as little formality as possible, still preserving all rights and all privileges of the person as guaranteed by the Constitution.

SEC. 72.23.910 ————*Effect on Laws Relating to the Criminally Insane*—“Insane” as Used in Other Statutes. Nothing in this chapter shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions. Where the term “insane” is used in other statutes of this state its meaning shall be synonymous with mental illness as defined in this chapter.

Chapter 72.25

NONRESIDENT INSANE, FEEBLE-MINDED, EPILEPTICS, SEXUAL PSYCHOPATHS, AND PSYCHOPATHIC DELIN- QUENTS

SECTION 72.25.010 *Deportation of Aliens—Return of Residents.* It shall be the duty of the director of institutions, in cooperation with the United States bureau of immigration and/or the United States department of the interior, to arrange for the deportation of all alien sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons who are now confined in, or who may hereafter be committed to, any state hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in this state; to transport such alien sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons to such point or points as may be designated by the United States bureau of immigration or by the United States department of the interior; and to give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual

psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in a territory of the United States or in a foreign country.

SEC. 72.25.020 *Return of Nonresidents—Reciprocity—Expense—Resident of this State Defined.* The director shall also return all nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons who are now confined in or who may hereafter be committed to a state hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in this state to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state for the mutual exchange of sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons now confined in or hereafter committed to any hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in one state whose legal residence is in the other, and he may give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in another state. Such residents may be returned directly to the proper Washington state institution without further court proceedings: *Provided*, That if the superintendent of such institution is of the opinion that the returned person is not a sexual psychopath, a psychopathic delinquent, insane, feeble-minded, or epileptic he may discharge said patient: *Provided further*, That if such superintendent deems such person a sexual psychopath, a psychopathic delinquent, insane, feeble-minded, or epileptic, he shall file an application for commitment within ninety days of arrival at the Washington institution.

A person shall be deemed to be a resident of this state within the meaning of this chapter who has maintained his domiciliary residence in this state for a period of one year preceding commitment to a state institution without receiving assistance from any tax supported organization and who has not subsequently acquired a domicile in another state: *Provided*, That any period of time spent by such person while an inmate of a state hospital or state institution or while on parole, escape, or leave of absence therefrom shall not be counted in determining the time of residence in this or another state.

All expenses incurred in returning sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons from this to another state may be paid by this state, but the expense of returning residents of this state shall be borne by the state making the return.

SEC. 72.25.030 *Assistance—Payment of Expenses*. For the purpose of carrying out the provisions of this chapter the director may employ all help necessary in arranging for and transporting such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons, and the cost and expense of providing such assistance, and all expenses incurred in effecting the transportation of such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons, shall be paid from the funds appropriated for that purpose upon vouchers approved by the department.

SEC. 72.25.040 *Bringing Committed Person Into State Without Permission—Penalty*. Any person who shall bring, or in any way aid in bringing into the state of Washington, without having first obtained permission in writing from the director, any person who has previously been committed to a state institution as a sexual psychopath, a psychopathic

delinquent, an insane, feeble-minded, or epileptic person, and who has not been fully discharged therefrom shall be guilty of a gross misdemeanor: *Provided*, That this section shall not apply to an officer, agent, or employee of a common carrier for anything done in the line of duty.

Chapter 72.33

STATE RESIDENTIAL SCHOOLS

SEC. 72.33.010 *Declaration of Purpose.* The purposes of this chapter are: To provide for those children and adults who are exceptional in their needs for care, treatment and education by reason of mental and/or physical deficiency, residential care designed to develop their individual capacities to their optimum; to provide for admittance, withdrawal and discharge from state residential schools upon parental application; and to insure a comprehensive program for the education, guidance, care, treatment and rehabilitation of all persons admitted to Lakeland Village and Rainier school and such other like schools as may be hereafter established.

SEC. 72.33.020 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the

legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: *Provided*, That the residence of an unemancipated minor shall be imputed from the residence of the father, if such minor is a legitimate child, otherwise from the residence of the mother, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of im-

mediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

SEC. 72.33.030 *Lakeland Village, Rainier School Established.* There are hereby permanently established the following state schools for the care of the persons herein provided to be served: Lakeland Village, located at Medical Lake, Spokane county, Washington, and Rainier school, located at Buckley, Pierce county, Washington.

Note: See also section 1, chapter 31, Laws of 1959.

SEC. 72.33.040 *Superintendents—Qualifications—Powers and Duties.* The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, over the age of thirty years, in good physical health, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of mentally deficient persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school: *Provided*, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent or guardian, except, if after reasonable effort to locate the parents or guardian and the health of such

resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school, shall appoint and direct all subordinate officers and employees and shall designate those officers and employees whose residence at the state school is deemed essential for its efficient operation: *Provided*, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

SEC. 72.33.050 *School Educational Departments to Be Created—Comprehensive Program.* There shall be an educational department created and maintained within each state school which shall provide a comprehensive program of academic, vocational, recreational and other educational services best adapted to meet the needs and capabilities of each resident therein whether such resident must always live within the protected community of the school or can be prepared and assisted to live without.

The department of public instruction shall assist the state schools in all feasible ways including financial aid so that the educational programs maintained therein shall be comparable to such programs advocated by the department of instruction for children with similar aptitudes in local school districts.

Within its available resources, each state school shall, upon request from a local school district, provide such clinical, counseling and evaluating services as may assist the local district lacking such profes-

sional resources in determining the needs of its exceptional children.

SEC. 72.33.060 *Division of Vocational Rehabilitation to Make Services Available.* The division of vocational rehabilitation shall make available its services to the state school in order to assist such schools in the vocational rehabilitation of its residents who are eligible and feasible for that division's services to the end that such persons may become engaged in remunerative occupations.

SEC. 72.33.070 *Department of Health to Determine Capacity of Residential Quarters.* The department of health shall determine by the application of proper criteria the maximum number of children to reside in the residential quarters of the state schools and the superintendent shall adhere to such standards unless written permission is granted by the department to exceed such rated capacities.

SEC. 72.33.080 *Department of Public Assistance to Aid Placement in Foster Homes.* The department of public assistance shall aid the superintendents of the state schools in the placement of residents in suitable foster homes, those to be assisted and the method thereof to be defined in a mutually approved interdepartmental agreement.

SEC. 72.33.090 *Seal of State School—Use.* The department shall provide the superintendent with an official and appropriate seal upon which shall be inscribed the statutory name of the state school and the words "state of Washington" shall appear thereon. The superintendent shall affix the seal of the state school to any notice, order, or other instrument required to be issued by him.

SEC. 72.33.100 *Superintendent As Witness in Judicial Proceedings—Depositions—Exempt from Jury Service.* The superintendent shall not be required to attend any court as a witness in a civil or

juvenile court proceeding but parties desiring his testimony may take and use his deposition; nor shall he be required to attend as a witness in any criminal case unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony, require his attendance; and he shall be exempted from jury service.

SEC. 72.33.110 *Gifts to State School—Acceptance, Use, Record.* The superintendent is authorized to receive and accept from any person, organization or estate, gifts of money or personal property on behalf of the state school under his charge, or the residents therein, and to use such gifts for the purposes specified by the donor where such use is consistent with law. In the absence of a specified purpose the superintendent shall use such money or personal property for the benefit of the state school or for the general benefit of the residents therein. The superintendent shall keep an accurate record of the amount or kind of gift, the date received, manner expended, and the name and address of the donor. Any increase resulting from such gift may be used for the same purpose as the original gift.

SEC. 72.33.120 *Admission to School—Voluntary Application.* Pursuant to reasonable rules and regulations of the department, acting through the division, the superintendent of a state school, subject to the provisions of section 72.33.070, shall receive a person as a resident who is suitable for care, training, treatment, or education appropriate to mental deficiency and/or physical deficiency, or for observation as to the existence of mental deficiency as defined in section 72.33.020, upon the receipt of a written application submitted in accordance with the following requirements:

(1) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian or agency entitled to custody, which application

shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such minor is a mentally and/or physically deficient person, as herein defined and in need of residential care, treatment, training, or education. In the event the minor is entitled to school services, the application shall be accompanied by a report from the county school superintendent and/or the superintendent of the school district in which such minor resides setting forth the educational services rendered or in need of being rendered to the minor.

(2) In the case of an adult person, the application shall be made by the duly appointed, qualified and acting guardian of such person, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such adult is a mentally and/or physically deficient person as herein defined and in need of residential care, treatment, training, or education.

(3) Persons admitted by voluntary application to state schools as in this section provided shall have equal status and the same priority in admission as minors committed under the following section.

Note: See also section 1, chapter 154, Laws of 1959.

SEC. 72.33.130 ————*Commitment By Court.*

In the event a minor person under the age of eighteen years shall be found under the juvenile court law to be "dependent" or "delinquent" and mentally and/or physically deficient as herein defined, and that placement for care, custody, treatment, or education in a state school is to the minor's welfare, the superintendent shall receive such minor upon commitment from the superior court pursuant to such terms and conditions as may therein be set forth subject to the provisions of section 72.33.070.

SEC. 72.33.140 *Withdrawal of Resident from School—Placement, Discharge Basis.* Subject to the provisions of section 72.33.150 no person accepted at a state school upon voluntary application as herein provided, and no person over eighteen years regardless of the manner of his admittance to the school, shall be retained therein for more than thirty days after the parent entitled to custody or the guardian has given notice of their desire to remove such person from said state school.

Such notice shall indicate to the superintendent the proposed plan of future residence of such person and whether placement or discharge from the state school is desired. In the event withdrawal is upon a placement basis, it shall be understood that re-admission will be available to the former resident if it is found necessary to return such person to the school. In the event withdrawal is upon a discharge basis it shall be understood that if the parent or guardian desires to apply for readmission for such former resident, such person shall wait his turn for admission as if it were a first application.

SEC. 72.33.150 *Preventing Withdrawal of Resident from School—Procedure.* Whenever it is deemed not to the best interests of a resident that he should be removed from a state school, the superintendent shall promptly file a petition in the probate department of the superior court of the county of residence of such person setting forth his reasons why continued residence is indicated.

Upon due notice and hearing, the court shall resolve the matter and in the event the person is found in need of further residential care in a state school the court shall so order and in such proceeding shall name a fit and proper person to serve as guardian if none has been previously named.

SEC. 72.33.160 *Return of Resident to Community—Placement—Expenses of Care, Support, Medical*

Attention. Whenever in the judgment of the superintendent of any state school, the treatment and training of any resident has progressed to the point that it is deemed advisable to return such resident to the community, the superintendent may grant placement on such terms and conditions as he may deem advisable after reasonable notice to and consultation with the parent entitled to custody or the acting guardian of such person.

Whenever any person who has been a resident of a state school leaves said school on placement, responsibility of the school to provide care, support or medical attention shall cease unless such person shall be returned to such state school or unless arrangements have been made to assume special expenses of such person while on placement.

SEC. 72.33.170 *Discharge Procedure.* Whenever in the judgment of a superintendent of a state school a person no longer needs the services of such school, he may be discharged after reasonable notice and consultation with the parent or guardian and if neither exists then approval for such discharge shall first be obtained from the supervisor of the division.

SEC. 72.33.180 *Personal Property of Resident—Superintendent as Custodian—Limitations—Judicial Proceedings to Recover.* The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor or payor of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such

personal needs of such resident as the superintendent may deem proper and necessary.

(2) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person, or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(3) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him.

(4) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of a resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

(5) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident

has no legally appointed guardian of his estate, any person, bank, corporation or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

Note: See also section 1, chapter 61, Laws of 1959.

SEC. 72.33.190 *Contracts With United States for Admission to State Schools.* The department shall have the power in the name of the state, to enter into contracts with any duly authorized representative of the United States of America, or its territories, for the admission to state schools for the care, treatment, training or education of persons requiring the same, at the expense of the United States of America, and contracts may provide for the separate or joint maintenance, care, treatment, training or education of such persons so admitted, which contracts shall provide that all payments due the state of Washington from the United States of America for services rendered thereunder shall be paid to

the department and transmitted to the state treasurer for deposit in the general fund.

SEC. 72.33.200 *Department Not Responsible Until Person Is Resident of School.* The department shall not be responsible for the support, welfare or actions of any person until such person attains the status of a resident at a state school.

SEC. 72.33.210 *Resident To Be Provided With Clothing—Cost.* When not otherwise provided, the state school shall provide each resident with suitable clothing, the actual cost of which shall be a charge against the parents, guardian or estate of such resident; and in the event that such parent, guardian or estate is unable or is insufficient to provide or pay for such clothing, the same shall be provided by the state.

SEC. 72.33.220 *Transfer of Resident Between Schools.* Whenever it appears to serve the best interests of the resident concerned, the department, acting through the division, shall have authority to transfer such resident between state schools conducting the type of program contemplated by this chapter.

SEC. 72.33.230 *Chapter Does Not Affect Parental or Other Rights.* This chapter shall not be construed to deprive the parent or parents of any parental rights with relation to a child residing in a state school, except as provided herein for the orderly operation of such schools, nor any rights granted a co-custodian pursuant to the provisions of chapter 26.40 RCW.

SEC. 72.33.240 *Review of Superintendent's Decision—Court Review.* Any parent or guardian feeling aggrieved by an adverse decision of a superintendent of a state school pertaining to admission, placement or discharge of his ward may apply to the supervisor of the division for a review and re-

consideration of the decision. The supervisor shall rule within ten days from the date of receipt of the request for review. In the event of an unfavorable ruling by the supervisor, such parent or guardian may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court of the state of Washington, as in civil cases.

SEC. 72.33.260 *Escape of Resident—Penalty for Assisting.* Any person who procures the escape of any resident of any school for mental defectives to which such resident has been lawfully committed, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a felony and shall be punished by imprisonment in a state penal institution for a term of not more than five years or by a fine of not more than five hundred dollars or by both imprisonment and fine.

SEC. 72.33.900 *Chapter To Be Liberally Construed.* The provisions of this chapter shall be liberally construed so that persons who are in need of care, treatment, training or education in a state school by reason of their exceptional mental and/or physical qualities shall receive the benefit of such residential facilities while still preserving all rights and privileges guaranteed the person by the Constitution of the United States of America and the state of Washington.

Chapter 72.36

SOLDIERS' AND VETERANS' HOMES

SECTION 72.36.010 *Establishment of Soldiers' Home.* There is established at Orting, Pierce county, an institution which shall be known as the Washington soldiers' home.

SEC. 72.36.020 *Superintendent — Appointment.* The director shall appoint a superintendent, who, with the consent of the director, may be styled "commandant of the home". The superintendent shall have entire management and control of the institution under the rules and regulations adopted by the department.

SEC. 72.36.030 *Who May Be Admitted.* All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: *Provided,* That such applicants have been actual bona fide citizens of this state for a period of three years at the time of their application, and are indigent and unable to support themselves.

SEC. 72.36.040 *Colony Established—Who May Be Admitted.* There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to

membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served in the United States government in any of its wars, and members of the state militia disabled while in the line of duty, who were married and living with their wives for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: *Provided*, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said wives.

(2) The widows of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and have not been married since the decease of their said husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Note: See also section 1, chapter 235, Laws of 1959.

SEC. 72.36.050 *Regulations of Home Applicable—Rations, Medical Attendance, Clothing.* The members of the colony established in section 72.36.040 shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and

regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding fifteen dollars per month in value, and clothing not exceeding twenty-five dollars per year in value.

SEC. 72.36.060 *Federal Funds.* The state treasurer is authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An Act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys shall be deposited in the general fund and shall be expended for the maintenance of the soldiers' home.

SEC. 72.36.070 *Washington Veterans' Home.* There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "Washington Veterans' Home," which branch shall be a home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state, and also the wives of such soldiers, sailors and marines.

SEC. 72.36.080 *Who May Be Admitted to Veterans' Home.* All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members

of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: *Provided*, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The widows of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and widows of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which widows have since the death of their husbands, become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their husbands on or before three years prior to the date of their application, and have not been married since the decease of their husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

SEC. 72.36.090 *Occupational Therapy and Hobby Promotion*. The superintendent of the state soldiers' home and colony is hereby authorized to:

(1) Institute programs of occupational therapy and hobby promotion designed to improve the general welfare and mental condition of the persons under his supervision;

(2) Provide for the financing of these programs by loans from funds in the superintendent's custody

through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies and occupational therapy sponsored to projects which will, in his judgment, be self-liquidating or self-sustaining.

SEC. 72.36.100 *Purchase of Equipment, Materials for Therapy, Hobbies.* The superintendent of each institution referred to in section 72.36.090 may purchase, from the appropriation to the institution, for operations, equipment or materials designed to initiate the programs authorized by section 72.36.090.

SEC. 72.36.110 *Burial of Deceased Members.* The superintendent of the Washington veterans' home and the superintendent of the Washington soldiers' home and colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington veterans' home and Washington soldiers' home: *Provided,* That this section shall not be construed to prevent any relative from assuming jurisdiction of such deceased persons.

Note: See also section 1, chapter 120, Laws of 1959.

Chapter 72.40

STATE SCHOOLS FOR BLIND AND DEAF

SECTION 72.40.010 *Schools Established.* There are established at Vancouver, Clark county, an institution which shall be known as the state school for the blind, and a separate institution which shall be known as the state school for the deaf.

SEC. 72.40.020 *Superintendents—Appointment—Qualifications—Discharge of Employees.* The director shall appoint a superintendent for each institution. The superintendents must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.

The director may discharge any employee in his discretion.

SEC. 72.40.030 *Annual Terms.* The regular term of the schools shall begin on the second Wednesday of September, and close on the second Wednesday of the following June.

SEC. 72.40.040 *Who May Be Admitted.* The institutions shall be free to residents of the state between the ages of six and twenty-one years, and who are blind or deaf, and who are free from loathsome or contagious diseases: *Provided,* That children under the age of six, who are otherwise qualified may be admitted to the institution, if in the discretion of the superintendent they are proper subjects to receive the training given in the institution and the facilities are adequate for proper care and training.

SEC. 72.40.050 *Admission of Nonresidents.* The director may admit to the schools blind or deaf children from other states, but the parents or guardians of such children will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children.

SEC. 72.40.060 *Duty of School District Clerks.* It shall be the duty of the clerks of all school districts in the state, at the time for making the annual reports, to report to the superintendent of schools of their respective counties the names of all deaf, mute, or blind youth residing within their respective districts who are between the ages of six and twenty-one years.

SEC. 72.40.070 *Duty of County Superintendents.* It shall be the duty of each county school superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of his county at its regular meeting in July of each year. He shall also, at the same time,

transmit a duplicate copy of such report to the director and the superintendent of the school for the blind or the school for the deaf, as the case may be.

SEC. 72.40.080 *Duty of Parents.* It shall be the duty of the parents or the guardians of all such blind or deaf youth to send them each year to the proper institution. The county superintendent shall take all action necessary to enforce this section. If satisfactory evidence is laid before the county superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education.

SEC. 72.40.090 *Expense of Transportation.* If it appears to the satisfaction of the board of county commissioners that the parents of any such blind or deaf youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county.

SEC. 72.40.100 *Penalty.* Any parent, guardian, county superintendent or county commissioner who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

Chapter 72.48

STATE NARCOTIC FARM COLONY

SECTION 72.48.010 *Establishment Authorized.* The director is hereby authorized and directed to provide a state institution either on property now owned by the state or on property to be acquired for such purpose, said institution to be used for the isolation and rehabilitation of narcotic addicts, which said institution shall be known as the "State Narcotic Farm Colony," and shall be administered as provided by law for the administration of state hospitals for the mentally ill.

SEC. 72.48.020 *Definitions.* Any person shall be held to be a "drug addict" within the meaning of this chapter who unlawfully administers to himself or unlawfully has administered to himself by others, any habit forming narcotic drug. For the purpose of this chapter the term "habit forming narcotic drug" means opium and coca leaves and the innumerable alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp, marihuana and their various derivatives, compounds and preparations and peyote in its various forms.

SEC. 72.48.030 *Complaint—Arrest—Trial—Order.* Whenever it appears by affidavit to the satisfaction of the prosecuting attorney of a county that any person within such county is a drug addict within the meaning of this chapter, the said prosecuting attorney shall forthwith file in superior court a complaint in writing, duly verified, alleging such fact and the clerk of said court shall issue and deliver

to the sheriff or other peace officer for service a warrant directing that such person be arrested and taken before a judge of the superior court for hearing and examination. Such officer shall thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest of such person a copy of said complaint and a copy of the warrant of arrest must be made by the arresting officer personally delivered to said person. The court shall hear and determine said matter on said complaint and the proceedings before the court shall be substantially similar to the complaint, arrest and proceedings had wherein charges of insanity are filed against a person and heard in the superior court under existing law. At such hearing the person so accused shall have the right to be represented by counsel and to produce witnesses in his own behalf at public expense. Said hearing shall be in open court and a record thereof shall be kept by the clerk of said court. The person so accused shall have the right to trial by jury in the event that he shall demand the same. After a hearing and examination if the court shall determine that such person is a drug addict, or, if a jury has been demanded, the jury shall so determine, the court shall make an order that such person be confined in said state narcotic farm colony for an indeterminate period, said period to be until such time as in the opinion of the superintendent of said institution the said drug addict shall have recovered from his addiction or in the opinion of the superintendent of said institution there is no probability of such person ever recovering therefrom. Pending such trial or hearing and before the entry of judgment thereon, the court shall make such disposition of such alleged drug addict as may to the court seem fit and proper in the premises.

SEC. 72.48.040 *Cost of Maintenance, Transportation, Etc.* At such hearing such person charged with drug addiction and such other witnesses as the court may deem necessary and material, shall be examined under oath for the purpose of determining the financial ability of such person charged with drug addiction, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such person charged with drug addiction in the state narcotic farm colony in the event he shall be committed thereto. Findings of fact shall be made by the court relative to the financial ability to pay such costs as above set forth in all cases of commitment and a judgment entered therein against the proper party or estate so found responsible. Every drug addict, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated shall pay therefor the sum of four dollars and fifty cents per week during the time such drug addict is committed to such state narcotic farm colony, and in addition thereto shall pay the cost of transportation of such drug addict and all court costs. Said charge of four dollars and fifty cents per week shall be made to apply in all cases for the entire time such drug addict is confined at such institution. Remittances therefor shall be made to the director in advance on or before the first day of each calendar month during the time such drug addict remains committed. If the court finds that such drug addict, or his estate or relatives have not the financial ability to pay such sum for such purposes, the charges and costs above referred to shall be borne by the state of Washington. Relatives shall be liable for the cost and expense of the care and maintenance of such addicts in the following order: First, husband or wife; second, parents; third, children.

SEC. 72.48.050 *Parole or Discharge.* Any person committed to such institution under the provisions of this chapter may be paroled or discharged at any time after admission thereto by the superintendent of such institution when in the opinion of the superintendent of said institution such person is cured of such drug addiction, which parole or discharge shall be certified by the superintendent of such institution to the clerk of the court from which said person so discharged or paroled has been committed to said institution. In the event that a drug addict shall be paroled from said institution and not finally discharged the superintendent shall have the right to require as a condition of said parole reports from time to time from such drug addict and may require reports of physical examination thereof to be made at the expense of such drug addict by a reputable physician and surgeon licensed to practice his profession at the place where such examination is made, and such other, further and different reasonable requirements of such paroled patient as may in the opinion of the superintendent be necessary and proper, and in the event of a breach of said parole and the requirements thereof said patient may, at the option of the superintendent thereof, be returned to said institution for further treatment.

SEC. 72.48.060 *Voluntary Patients.* The superintendent of such state narcotic farm colony may accept as patients any persons voluntarily applying for treatment for drug addiction thereto: *Provided, however,* That before such voluntary patient shall be admitted or retained in said institution he shall pay in advance such sum or sums for his care, maintenance, board and lodging as shall be determined by the superintendent of the said institution not exceeding however, the actual average cost thereof, and shall sign a statement to the effect that he or she is suffering from drug addiction and desires

treatment in the same manner and subject to the same rules and restrictions as if committed by a court and that they submit voluntarily to such treatment and to the discipline of such institution and shall remain therein for such time as the superintendent may deem necessary to either effect a cure or determine there is no reasonable probability of a cure being effected: *Provided, however,* That no person shall be admitted to such institution as a voluntary patient who has not been a resident of this state for a period of two years next preceding application for admission.

SEC. 72.48.070 *Witness Fees—Drug Addict's Transportation Expense, Payment.* Witnesses at hearings for the commitment of drug addicts shall be entitled to receive the usual fees allowed by law in the trial of criminal cases and in the event of a drug addict being committed to said institution as provided herein, they shall be transported to said institution and the expenses thereof shall be paid in the same manner as existing law provides for the care and transportation of insane persons to state hospitals for the mentally ill.

SEC. 72.48.080 *Bringing in Prohibited Articles—Penalty.* Any person not authorized by law who brings into the said institution, or within the grounds thereof, any narcotic drug, or any intoxicating liquor, or any firearms, weapons, or explosives of any kind, shall be guilty of a felony.

SEC. 72.48.090 *Assisting Escape—Penalty.* Every person who shall knowingly procure the escape of any inmate of the said institution or advise, connive at, aid or assist in such escape, or knowingly conceal and/or connive at, advise, aid or assist in the concealment of any such inmate after such escape, shall be guilty of a gross misdemeanor.

SEC. 72.48.100 *Conniving At Improper Commitment—Penalty.* Every person who shall knowingly advise, connive at, conspire, aid or assists in having or attempting to have, any person adjudged a drug addict under this chapter unlawfully or improperly, shall be guilty of a gross misdemeanor.

SEC. 72.48.110 *Care of Persons Pending Construction of Institution.* Pending the building of such institution and the furnishing and equipment of the same for the reception, care and treatment of persons committed under this chapter, the director shall care for persons committed under this chapter in existing state institutions in such manner as may to the director seem expedient.

Chapter 72.50

STATE BUREAU OF CRIMINAL IDENTIFICATION

SECTION 72.50.010 *Bureau Established—Purpose.* There is hereby established in the department of institutions at Olympia, a central office which is hereby designated as the "state bureau of criminal identification," which shall be maintained for the purpose of providing:

- (1) An authentic record of each person who is arrested for any crime against the state as described in section 72.50.060;
- (2) Information relative to the identity of each person so arrested; and
- (3) A record of the final disposition of each such arrest.

SEC. 72.50.020 *Superintendent—Employees.* The director is authorized to employ a competent person as superintendent of the bureau. The superintendent may engage subject to the rules and regulations of the department such other employees as may be necessary to maintain the bureau.

SEC. 72.50.030 *Powers and Duties.* The bureau shall: (1) Receive, classify, search and file in an orderly manner all fingerprints, photographs, and descriptions, including personal history data and previous criminal records so far as known, of all persons arrested for the crimes described in section 72.50.060;

(2) Classify and file in like orderly manner all identification material and records received from the government of the United States and from other state governments and subdivisions thereof and cooperate with such governmental units in the exchange of pertinent information; and

(3) Promptly return to any law enforcement agency submitting a set of fingerprints to the bureau, a true transcript of the criminal record of previous crimes committed by the person identified by such fingerprints.

SEC. 72.50.040 *Submission to Taking of Identifying Data.* All persons arrested for any of the crimes described in section 72.50.060, except juveniles under the age of eighteen years, shall submit to the taking of their fingerprints, photographs, physical description and other identifying data.

SEC. 72.50.050 *Criminal Activity Information to Be Furnished Bureau.* All sheriffs, constables, chiefs of police of organized police departments, town marshalls, wardens, superintendents, jailers, keepers of jails, reformatories, penitentiaries, state hospitals for the mentally ill, state narcotic farm colony, shall furnish to the bureau, as soon as practicable after the arrest or confinement, a fingerprint card provided by the bureau upon which shall be imprinted the fingerprints of each person arrested or committed for crimes described in section 72.50.060, together with the physical description and such other information as pertains to the criminal activity of the arrested or convicted person.

SEC. 72.50.060 *Mandatory Fingerprint Cards for Certain Crimes.* All officials and persons described in section 72.50.050 and other law enforcement officers shall submit completed fingerprint cards on all persons who are arrested for:

- (1) Any felony or gross misdemeanor;
- (2) Being a fugitive from justice;
- (3) Being a vagrant;
- (4) Being an habitual user of narcotics;
- (5) Being in possession of stolen goods;
- (6) Being in possession of illegal or illegally carried weapons, burglar tools, counterfeiting equipment, or alcoholic liquids or substances; or
- (7) Any offense involving lewd or lascivious conduct.

SEC. 72.50.070 *Information As To Proceedings and Modus Operandi To Be Furnished Bureau.* The officials and other persons described in sections 72.50.050 and 72.50.060 shall further transmit to the bureau on forms supplied by the bureau: (1) Information relative to the disposition made of every action or proceeding resulting from arrests described in section 72.50.060, and (2) further information relative to the mode of operation of offenders.

SEC. 72.50.080 *Availability of Records—Fugitive Circulars.* The records of the bureau shall be available for official use of all law enforcement agencies, prosecuting attorneys, parole officers, penal institutions, state hospitals for the mentally ill, and the state narcotic farm colony. The bureau shall assist prosecuting attorneys, county sheriffs and chiefs of police in the preparation and distribution of circulars relative to fugitives when so requested.

SEC. 72.50.090 *Duties of Officials In Charge of Institutions—Duties of Bureau.* The superintendent or other person in charge of each penal institution, reformatory, state hospital for the mentally ill, or state narcotic hospital or farm colony, shall transmit

to the bureau fingerprints, photographs and descriptions of each such committed person taken at the time of his commitment.

Such superintendent or other person in charge shall at the time of release of such committed person transmit to the bureau fingerprints, photographs and descriptions of the committed person at the time of release.

The bureau shall add such fingerprints, photographs, and descriptions to the person's criminal record with information concerning the date and conditions of release and shall furnish it without request to the county sheriff of the county in which the conviction resulting in the person's commitment was had and to the county sheriff of the county and the chief of police of the city to which such person is being released or paroled.

SEC. 72.50.100 *Bureau's Files Privileged—Who May Obtain Transcripts.* Information in the files of the bureau relative to the commission of a crime by any person shall be considered privileged and shall not be disclosed for any purpose except as authorized by this chapter: *Provided*, That any person for himself or through his attorney, or any practicing attorney, may obtain without cost a transcript of the criminal record of such person upon furnishing the bureau with a notarized request of such person whose record is catalogued in the files of the bureau when such request is accompanied by a set of fingerprints of such person taken by officials of a regular law enforcement agency and submitted to the bureau directly from that agency.

SEC. 72.50.110 *Transfer of Records, Etc.* Any agency of the state government which has in its possession any of the information, records, material, files or equipment set forth in this chapter shall turn such information, records, material, files and equip-

ment over to the state bureau of criminal identification.

Chapter 72.56

STATE INSTITUTIONS FOR CHILDREN AND YOUTH

(Fort Worden)

SECTION 72.56.010 *Institution at Fort Worden established.* There is hereby established under the supervision and control of the department of institutions, an institution for the care and custody of children and youth, to be located at Fort Worden, near Port Townsend, in Jefferson county.

SEC. 72.56.020 *Authority To Purchase Lands, Buildings, Equipment at Fort Worden.* The director is hereby authorized to enter into a contract with the commissioners of the port of Port Townsend for the purchase of, and to accept a deed in the name of the state of Washington, subject to the approval as to form by the attorney general, of certain lands, buildings and equipment situate at Port Townsend in Jefferson county, and known as Fort Worden, a former United States military installation.

SEC. 72.56.030 *Remodeling and Alteration at Fort Worden.* The director, upon the acquisition of the land, buildings and equipment at Fort Worden, may cause plans, specifications and estimates of cost to be prepared for the remodeling and alteration of said buildings for the institutionalization of children and youth, and for this purpose the director is authorized to employ the service of architects.

SEC. 72.56.040 *Transfer of Children and Youth From Other Facilities To Fort Worden.* The director shall have authority to transfer children and youth to Fort Worden who are now confined at, or who may hereafter be committed to, any other facility under

the supervision of the department for the custody of children and youth.

SEC. 72.56.050 *Superintendent, Officers, Employees—Appointment.* The director is hereby authorized to appoint a superintendent and such other officers and employees as are deemed necessary for the proper operation of the institutions and facilities authorized by this chapter.

Chapter 72.60

INSTITUTIONAL INDUSTRIES COMMISSION

SECTION 72.60.010 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Institution" means any place under the jurisdiction of the department of institutions at which individuals are confined pursuant to court order.

(2) "Commission" means the institutional industries commission as herein created.

(3) "Enterprise" means an agricultural or manufacturing operation or group of closely related operations within a single institution which in accepted trade practices would ordinarily be carried on as a single unit for the purpose of producing saleable items above and beyond the needs of the producing institution, not to include or apply to self-sustaining activities, maintenance and construction work and handiwork of prisoners.

SEC. 72.60.020 *Declaration of Purpose.* The purpose of this chapter is to aid and assist the department of institutions in minimizing or eliminating idleness among the inmates of the state penal, correctional, or reformatory institutions and promoting rehabilitation by affording such inmates an opportunity to participate in industrial and agricultural activities and to provide for the disposition and sale of the articles produced.

SEC. 72.60.030 *Commission Created.* There is hereby created the institutional industries commission which shall consist of the director of the department and six members appointed by the governor of whom two shall be representatives of organized labor, two shall be representatives of industry, one shall be a representative of agriculture and one shall be a representative of the general public.

SEC. 72.60.040 *Terms, Vacancies, Chairman.* The first term of the members representing industry and labor shall be two years. The first term of the members representing agriculture and the general public shall be four years. After the first term all appointments shall have a term of four years. The first term of each member shall commence on the first day of June, 1955. No members shall be removed except by the appointing authority and for cause. In the event of a vacancy in the office of any member the balance of the term shall be filled by the appointing authority as in the case of original appointments. The director shall act as chairman of the commission.

SEC. 72.60.050 *Meetings—Quorum.* The commission shall meet regularly at least four times during each fiscal year and may hold extra meetings on call of the chairman. Four members of the commission shall constitute a quorum and a vote of the majority of the members in office is necessary for the transaction of the business of the commission.

SEC. 72.60.060 *Compensation—Expenses.* The members of the commission, other than the chairman, shall receive a per diem of twenty-five dollars for each day they are engaged in the official business of the commission, including time spent in traveling, for not more than twenty days in each fiscal year. All members, including the chairman, shall receive their actual and necessary expenses of travel in-

curred in attending meetings of the commission and in making investigations either as a commission or individually as members of the commission at the request of the chairman. The compensation and expenses of the members shall be paid from appropriations made for industrial operations at the institutions and shall be prorated among such appropriations on the basis of time spent where the efforts of the members are of application to more than one institution.

SEC. 72.60.070 *Powers and Duties.* The commission shall:

(1) Recommend productive, industrial and agricultural enterprises in the institutions under the jurisdiction of the department in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as means of vocational education as well as of occupation and financial support.

(2) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing each separate industrial or agricultural enterprise at each institution involving a gross annual production of more than twenty-five thousand dollars value but less than two hundred seventy-five thousand dollars value and authorize or prohibit such action. The commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the commission. It shall be the duty of the commission, annually, to adjust the maximum gross annual production value of two hundred seventy-five thousand dollars permitted for each separate enterprise at each institution, the purpose of such adjustment being to keep

said limit in balance with changes in population of state institutions and changes in cost of production. Such adjustment shall be made in the following manner:

(a) The maximum limitation of two hundred seventy-five thousand dollars shall serve as a base figure as of December 31, 1954, for such computation.

(b) The maximum limitation for each enterprise at each institution shall be increased or decreased in the same proportion as the population of state institutions shall have increased or decreased in comparison with their population on December 31, 1954.

(c) The maximum limitation for each enterprise at each institution shall be further increased or decreased in the same proportion as the wholesale price index of the United States bureau of labor statistics shall have increased or decreased in comparison with such wholesale price index as of December 31, 1954.

The maximum gross annual limitation on production as adjusted in accordance with the above formula shall replace and serve in lieu of the two hundred seventy-five thousand dollars limitation until the next annual adjustment is made by the commission. It shall apply to enterprises previously authorized as well as to those authorized during the current period, and such adjustment may be made without public hearing.

(3) Hold hearings and make rules for the conducting of such hearings. The commission may in its discretion hold public hearings on any subject within its jurisdiction.

SEC. 72.60.080 *Hearing to Establish Certain Industrial Enterprises—Prior Industrial Enterprises.* No industrial enterprise which involves a gross annual production of more than twenty-five thousand

dollars shall be established unless and until a hearing concerning the enterprise has been had before the commission. Public notice of the hearing shall be given prior to the hearing. At the time this commission becomes established by law, it shall at the earliest possible time convene and make necessary arrangements to place industrial enterprises that were in operation prior to this law under compliance with this law.

SEC. 72.60.090 *Compensation for Inmates.* Each inmate, who is engaged in productive work in any state prison or institution under the jurisdiction of the department as a part of the work program, may receive for his work such compensation as the director shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, and be limited to such amounts as are set up by the director and approved by the commission. Said compensation shall be credited to the account of the inmate.

When any inmate violates the rules of the institution or escapes, the director shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the industrial operations revolving fund of such institution.

Said compensation shall be paid from the industrial operations revolving fund of the institution. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied, or performed in connection with the work program of the department, the compensation paid to inmates shall be included as an item of cost in fixing the final statutory price.

Inmates not engaged on work programs under the jurisdiction of the commission and financed out of the industrial operations revolving fund, but who

are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such inmates shall be paid either out of funds appropriated by the legislature for that purpose or out of the industrial operations revolving fund of the institution, as the director of the department may direct.

SEC. 72.60.100 *Civil Rights of Inmates Not Restored—Other Laws Inapplicable.* Nothing in this chapter is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated under this chapter shall be considered as an employee or to be employed by the state or the department, nor shall any such inmate come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder whether on behalf of himself or of any other person. All moneys paid to inmates shall be considered a gratuity.

SEC. 72.60.110 *Employment of Inmates According to Needs of State.* The department is hereby authorized and empowered to cause the inmates in the state institutions of this state to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed by any public institution of the state or of any political subdivision thereof.

SEC. 72.60.120 *Kind, Quality, Quantity of Goods and Services.* The commission shall, from time to time, determine the kind, quality, and quantity, of the several articles, materials, and supplies to be thus produced and manufactured or the services to be rendered.

SEC. 72.60.130 *Goods for Public Use—Exception.* All articles, materials, and supplies, produced or

manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the director.

· SEC. 72.60.140 · *Markings on Containers.* Each and every article manufactured under the provisions of this chapter shall have plainly marked or stamped on the outside of the shipping container thereof, the words "Washington Institutional Industries."

SEC. 72.60.150 *Prices of Goods.* The commission shall from time to time examine and approve the price at which such articles, materials, and supplies are sold, which price shall be as near the prevailing market price as possible.

SEC. 72.60.160 *State Agencies and Subdivisions May Purchase Goods—Purchasing Preference Required of Certain Institutions.* All articles, materials, and supplies herein authorized to be produced or manufactured may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state and at the prices fixed in the manner herein provided, and the director shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are produced under this chapter.

SEC. 72.60.170 *Unlawful Sales—Penalty.* It shall be unlawful for any person to sell, expose for sale, or offer for sale within this state, any article or articles manufactured wholly or in part by inmate

labor, except articles the sale of which is specifically sanctioned by law.

Every person selling, exposing for sale, or offering for sale any article manufactured in this state wholly or in part by inmate labor, the sale of which is not specifically sanctioned by law, is guilty of a misdemeanor.

SEC. 72.60.180 *Use of Profits.* If and when the industries or enterprises covered by this chapter develop to a point where they accrue profits, profits shall be utilized as follows:

(1) Maintenance of facilities or equipment used in existing industries.

(2) Establishment and maintenance of new industries.

(3) To provide vocational training for employees of the industries and other inmates.

(4) To hold in a reserve all additional profits for the purpose of creating a fund to establish forest camps and treatment facilities.

SEC. 72.60.190 *Supervisor of Purchasing to Give Preference to Goods Produced by Authorized Industries.* The supervisor of purchasing for the state of Washington shall give preference in the purchase of materials and supplies for the institutions, departments and agencies of the state, to those produced by industries authorized and approved by the institutional industries commission.

SEC. 72.60.200 *Exceptions from Operation of Chapter—Board—Variance from Adopted Standards.* Exceptions from the operation of the provisions of this chapter may be made in any case where in the opinion of the supervisor of purchasing, the attorney general and the commissioner of the employment security department, or a majority of them who are hereby constituted a board for such purpose, the articles so produced or manufactured do not meet the

reasonable requirements of such departments, institutions, or agencies of the state of Washington. In any case where the requisition made cannot be complied with on account of an insufficient supply of articles or supplies required, the director may grant an exemption to such requisitioning department or agency of the state of Washington. No department, institution, or agency of the state of Washington shall be allowed to evade the intent and meaning of this section by slight variations from adopted standards when the articles produced or manufactured by such institutional industries are reasonably adapted to the actual needs of such departments, institutions, or agencies of the state of Washington.

SEC. 72.60.210 *Vouchers Not to Be Questioned for Violation of Chapter—Violation is Malfeasance in Office.* No voucher, certificate, or warrant issued on the state treasurer by any such department, institution, or agency of the state of Washington shall be questioned by him or by the state auditor on the grounds that this chapter has not been complied with by such department, institution, or agency, but if intentional violation of this chapter continues after notice from the governor to desist, such violation shall constitute a malfeasance in office and shall subject the officers responsible for this violation to suspension or removal from office, as may be provided by law in other cases of malfeasance.

SEC. 72.60.220 *List of Goods to Be Supplied to All Departments, Institutions, Agencies.* The department may cause to be prepared annually, at such times as it may determine, lists containing the descriptions of all articles and supplies manufactured and produced pursuant to the provisions of this chapter; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

SEC. 72.60.230 *Declaration of Police Power—Construction of Chapter.* This chapter shall be deemed an exercise of the police power of the state for the protection of the health, welfare, peace and safety of the people and shall be liberally construed for the accomplishment of that purpose.

Chapter 72.64

LABOR AND EMPLOYMENT OF PRISONERS

SECTION 72.64.010 *Useful Employment of Prisoners—Contract System Barred.* The director shall have the power and it shall be his duty to provide for the useful employment of prisoners in the adult correctional institutions: *Provided,* That no prisoners shall be employed in what is known as the contract system of labor.

SEC. 72.64.020 *Rules and Regulations.* The director shall make the necessary rules and regulations governing the employment of prisoners, the conduct of all such operations, and the disposal of the products thereof, under such restrictions as provided by law.

SEC. 72.64.030 *Prisoners Required to Work.* Every prisoner in the Washington state penitentiary or reformatory shall be required to work in such manner as may be prescribed by the director.

SEC. 72.64.040 *Crediting of Earnings—Payment.* Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's wife, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon

release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him.

SEC. 72.64.050 *Branch Institutions—Honor Camps for Certain Purposes.* The director shall also have power to establish temporary branch institutions for the state penitentiary and state reformatory in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries and construction of water supply facilities to state institutions.

SEC. 72.64.060 *Labor Camps Authorized—Type of Work Permitted.* Any department, division, bureau, commission, or other agency of the state of Washington or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by sections 72.64.060 through 72.64.090: *Provided,* That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The department may enter into contracts for the purposes of sections 72.64.060 through 72.64.090.

SEC. 72.64.070 —————*Eligibility for Employment—Procedure—Return.* The department shall determine which prisoners shall be eligible for employment under section 72.64.060, and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in section 72.64.060. The director may send to the place, and at the time designated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment

until his eligibility therefor has been determined by the department.

The director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

SEC. 72.64.080 ————*Duties of Employing Agency—Costs—Supervision.* The agency providing for prisoners under sections 72.64.060 through 72.64.090 shall designate and supervise all work done under the provisions thereof. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department may provide, erect and maintain the necessary camps. The director shall supervise and manage the necessary camps and commissaries.

SEC. 72.64.090 ————*Department's Jurisdiction.* The department shall have full jurisdiction at all times over the discipline and control of the prisoners performing work under sections 72.64.060 through 72.64.090.

Chapter 72.68

TRANSFERS, TRANSPORTATION, AND DETENTION CONTRACTS

SECTION 72.68.010 *Transfer of Prisoners.* Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his transfer to another institution the director may effect such transfer.

SEC. 72.68.020 *Transportation of Prisoners.* (1) The director shall transport prisoners under guard:

(a) to and between the state penitentiary, the state reformatory and all other institutions under his supervision;

(b) from a county, city, or municipal jail to an institution mentioned in subdivision (a) of this subsection and to a county, city or municipal jail from an institution mentioned in subdivision (a) or this subsection.

(2) The director may employ necessary persons for such purpose.

SEC. 72.68.030 *Removal or Transfer of Insane Convict or Hospital Patient.* Whenever in the judgment of the director the welfare of any person confined in any penal institution, or in any institution for the care of the insane, shall require that he be removed for treatment or confinement to another institution for the care of the insane, or to the insane ward of the state penitentiary, he shall be authorized to order such removal, but whenever a change is made in the location of any such inmate, a record open to the public shall be made and the relatives of such inmate shall be notified of the change.

SEC. 72.68.040 *Contracts With Other Governmental Units for Detention of Felons Convicted In This State.* The director may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in the Washington state penitentiary. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in the Washington state penitentiary may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, or

until they are returned to the Washington state penitentiary for further confinement.

Note: See also section 1, chapter 47, Laws of 1959.

SEC. 72.68.050 ————*Notice of Transfer of Prisoner.* Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from the penitentiary under sections 72.68.040 through 72.68.070, the superintendent shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to the penitentiary a notice of transfer, disclosing the name of the prisoner transferred and giving the name and location of the institution to which the prisoner was transferred. The superintendent shall keep a copy of all notices of transfer on file as a public record open to inspection; and the clerk of the court shall file with the judgment roll in the appropriate case a copy of each notice of transfer which he receives from the superintendent.

Note: See also section 2, chapter 47, Laws of 1959.

SEC. 72.68.060 ————*Procedure When Transferred Prisoner's Presence Required In Judicial Proceeding.* Should the presence of any prisoner confined, under authority of sections 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county jail, be required in any judicial proceeding of this state, the superintendent of the penitentiary or his assistants shall, upon being so directed by the director, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the director or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by

like order, return such prisoner to the state penitentiary or the institution from which he was taken.

Note: See also section 3, chapter 47, Laws of 1959.

SEC. 72.68.070 ————*Procedure Regarding Prisoner When Contract Expires.* Upon the expiration of any contract entered into under sections 72-68.040 through 72.68.070, all prisoners of this state confined in such institution or jail shall be returned by the superintendent or his assistants to the penitentiary of this state, or delivered to such other institution as the board has contracted with under sections 72.68.040 through 72.68.070.

Note: See also section 4, chapter 47, Laws of 1959.

SEC. 72.68.080 *Federal Prisoners, or from Other State—Authority to Receive.* All persons sentenced to prison by the authority of the United States or of any state or territory of the United States may be received by the department and imprisoned in the Washington state penitentiary or Washington state reformatory in accordance with the sentence of the court by which they were tried. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this state.

SEC. 72.68.090 ————*Per Diem Rate for Keep.* The director is authorized to enter into contracts with the proper officers or agencies of the United States and of other states and territories of the United States relative to the per diem rate to be paid the state of Washington for the conditions of the keep of each prisoner.

SEC. 72.68.100 ————*Space Must be Available.* The director shall not enter into any contract for the care or commitment of any prisoner of the federal government or any other state unless there is vacant space and unused facilities in the Washington state penitentiary or reformatory.

Chapter 72.98

CONSTRUCTION

SEC. 72.98.010 *Continuation of Existing Law.* The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 72.98.020 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

SEC. 72.98.030 *Invalidity of Part of Title Not to Affect Remainder.* If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

SEC. 72.98.040 *Repeals and Saving.* The following acts or parts of acts are repealed:

(1) Sections 1 through 10, pages 4 through 6, Laws of 1861;

(2) Sections 1 through 5, pages 356 and 357, Laws of 1869;

(3) Sections 1 through 9, pages 358 through 360, Laws of 1869;

(4) Sections 1 through 26, pages 83 through 89, Laws of 1875;

(5) Sections 2247 through 2275, Code 1881;

(6) Sections 1 through 6, pages 37 through 38, Laws of 1883;

(7) Sections 1 through 23, pages 82 through 85, Laws of 1883;

(8) Sections 1 through 15, pages 141 through 144, Laws of 1885-6;

(9) Sections 1 through 7, pages 144 through 145, Laws of 1885-6;

- (10) Sections 1 through 18, pages 152 through 155, Laws of 1885-6;
- (11) Chapter 60, Laws of 1888;
- (12) Chapter 62, Laws of 1888;
- (13) Sections 1 through 7, pages 269 through 271, Laws of 1889-90;
- (14) Sections 1 through 25, pages 271 through 277, Laws of 1889-90;
- (15) Sections 1 through 49, pages 482 through 495, Laws of 1889-90;
- (16) Chapter 147, Laws of 1891;
- (17) Chapter 131, Laws of 1895;
- (18) Chapter 67, Laws of 1897;
- (19) Chapter 119, Laws of 1901;
- (20) Chapter 167, Laws of 1901;
- (21) Chapter 171, Laws of 1901;
- (22) Chapter 110, Laws of 1903;
- (23) Chapter 90, Laws of 1907;
- (24) Chapter 156, Laws of 1907;
- (25) Chapter 166, Laws of 1907;
- (26) Sections 1, 2 and 4 through 7, chapter 97, pages 256 through 258, Laws of 1909;
- (27) Sections 1 through 10, chapter 97, pages 258 through 260, Laws of 1909;
- (28) Chapter 222, Laws of 1909;
- (29) Section 32, chapter 249, Laws of 1909;
- (30) Chapter 10, Laws of 1913;
- (31) Sections 1 through 5 and 8 through 14, chapter 157, Laws of 1913;
- (32) Chapter 81, Laws of 1915;
- (33) Chapter 106, Laws of 1915;
- (34) Sections 32, 41 and 43, chapter 7, Laws of 1921;
- (35) Chapter 48, Laws of 1921;
- (36) Chapter 74, Laws of 1925, extraordinary session;
- (37) Chapter 212, Laws of 1927;
- (38) Chapter 276, Laws of 1927;

- (39) Chapter 305, Laws of 1927;
- (40) Chapter 59, Laws of 1929;
- (41) Chapter 77, Laws of 1931;
- (42) Chapter 84, Laws of 1935;
- (43) Section 5, chapter 114, Laws of 1935;
- (44) Chapter 161, Laws of 1939;
- (45) Chapter 175, Laws of 1943;
- (46) Chapter 79, Laws of 1945;
- (47) Chapter 188, Laws of 1947;
- (48) Chapter 190, Laws of 1947;
- (49) Chapter 211, Laws of 1947;
- (50) Chapter 114, Laws of 1949;
- (51) Sections 20 and 52, chapter 198, Laws of 1949;
- (52) Chapter 135, Laws of 1951;
- (53) Sections 6 through 16, 40 through 50 and 65 through 69, chapter 139, Laws of 1951;
- (54) Chapter 234, Laws of 1951;
- (55) Chapter 217, Laws of 1953;
- (56) Chapter 232, Laws of 1953;
- (57) Chapter 77, Laws of 1955;
- (58) Chapter 94, Laws of 1955;
- (59) Chapter 104, Laws of 1955;
- (60) Chapter 128, Laws of 1955;
- (61) Chapter 136, Laws of 1955;
- (62) Chapter 195, Laws of 1955;
- (63) Chapter 230, Laws of 1955;
- (64) Chapter 240, Laws of 1955;
- (65) Chapter 242, Laws of 1955;
- (66) Chapter 245, Laws of 1955;
- (67) Chapter 247, Laws of 1955;
- (68) Chapter 248, Laws of 1955;
- (69) Chapter 260, Laws of 1955;
- (70) Chapter 314, Laws of 1955;
- (71) Chapter 318, Laws of 1955;
- (72) Chapter 19, Laws of 1957;
- (73) Chapter 21, Laws of 1957;
- (74) Chapter 25, Laws of 1957;

- (75) Chapter 27, Laws of 1957;
- (76) Chapter 29, Laws of 1957;
- (77) Chapter 30, Laws of 1957;
- (78) Chapter 54, Laws of 1957;
- (79) Chapter 61, Laws of 1957;
- (80) Chapter 102, Laws of 1957;
- (81) Section 5, chapter 115, Laws of 1957;
- (82) Chapter 136, Laws of 1957;
- (83) Chapter 188, Laws of 1957;
- (84) Chapter 217, Laws of 1957;
- (85) Chapter 225, Laws of 1957;
- (86) Chapter 272, Laws of 1957;
- (87) Sections 2 and 3, chapter 297, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

SEC. 72.98.050 *Bonding Acts Exempted.* This act shall not repeal nor otherwise affect the provisions of the institutional bonding acts (chapter 230, Laws of 1949 and chapters 298 and 299, Laws of 1957).

SEC. 72.98.060 *Emergency.* 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, with the exception of section 72.01.280 the effective date of which section is July 1st, 1959.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor February 4, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

I. Introductory.

In the course of its current program to restore session law language to the Revised Code of Washington, the reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 71 RCW relating to insane, feeble-minded, mentally ill persons, and inebriates, and of Title 72 relating to state institutions. Pursuant to such study, and after thorough discussion between the reviser and the codifications subcommittee, the committee determined that because of the complicated statutory problems relating to these subjects, the titles in question are nonrestorable. This is a field wherein much legislation has been enacted, often in disregard of prior laws. Since the creation of the various state institutions, numerous governmental authorities have been created and abolished, and the powers and duties relating to the institutions have been transferred from agency to agency merely by reference statutes. The net result is that any attempt to restore the session law language without at the same time proposing legislation for the resolving of such conflicts, would be fruitless.

The codifications subcommittee of the Statute Law Committee, upon conferring with representatives of the department of institutions, has undertaken to prepare a recompilation of Titles 71 and 72 of the Revised Code of Washington, removing as many conflicting provisions as may be ascertained and as may be removed without affecting the substance of the law.

This bill proposes the recompilation and reenactment of Title 72. A companion measure proposes the recompilation and reenactment of Title 71. These bills should be examined together.

In preparing the reenactment of this title, material which was closely related to the subject of state institutions, but contained in Title 71 and other titles, has been transferred to Title 72. The section commentary below indicates the source of each section.

Note that the names of various governing agencies of the institutions appear in the session laws used as source material for this bill. The powers and duties of these agencies have devolved upon the department of institutions through a chain of statutes as follows: 1901 c 119 sec. 3; 1921 c 7 sec. 36(1); 1935 c 176 secs. 20, 23; 1947 c 114 sec. 5; and 1955 c 195 secs. 1, 4. Therefore, "department" or "director" has been substituted for such agencies.

II. Section Comment.

Chapter 72.01 Department of Institutions

This is a new chapter composed of session laws providing for the creation, structure, powers and duties of the department of institutions.

72.01.010 Source—new.

This section contains definitions added to facilitate reference to the department and director of institutions.

This section as it appears in RCW 72.04.010, part, contains a definition of "institutions" and "public institutions", taken from 1907 c 166 sec. 10, and reads as follows:

"Institutions" or "public institutions" include all institutions under control of the department, except capitol buildings.

It appears that this definition is unnecessary as the department no longer has control of the capitol buildings or the authority to examine the system of accounts at the educational institutions as did the state board of control. Also the institutions controlled by the department are enumerated in section 72.01.050.

72.01.020 Source—1957 c 272 sec. 1; 1955 c 195 sec. 1; RCW 43.28.010.

Explanatory
note.

- 72.01.030 Source—new.
This section sets forth the divisions of the department.
- 72.01.040 Source—1955 c 195 sec. 4(2); RCW 43.28.020. 1955 c 195 sec. 4 has been divided into several sections according to the subject matter of its subdivisions, for organizational purposes, and to facilitate future amendment. The words “the director shall”, taken from the first sentence of 1955 c 195 sec. 4, preface each new section.
- 72.01.050 Source—1955 c 195 sec. 4(1). Prior: 1915 c 107 sec. 1, part; 1907 c 166 sec. 2, part; 1901 c 119 sec. 3, part; RRS sec. 10899, part; RCW 43.28.020(1). See notes to RCW 72.01.040. “the Fort Worden school for the care and custody of children and youth, and such other institutions as authorized by law,” added after “colony” to account for the establishment of Fort Worden by 1957 c 217 and to anticipate any other institutions which may be placed under the control of the department.
- 72.01.060 Source—1907 c 166 sec. 5; 1901 c 119 sec. 2; RRS sec. 10902; RCW 72.04.020.
This section was originally part of the Board of Control Act of 1901.
For the most part this section is in the language of the 1951 edition of the Revised Code of Washington wherein the obsolete maximum salary for superintendents has been deleted and the provisos made straight matter. However, the session law language “It shall be the duty of”, “and whose title shall be ‘superintendent’ ” and “may be removed by the director in his discretion” (referring to superintendents) has been incorporated for reenactment. Also, the length of tenure provision for superintendents has been replaced in its session law order.
Note the language “Except as otherwise provided in this title,” applicable to the appointment of all assistants and employees, has been added in recognition of later special session laws on particular institutions which are inconsistent with this section of the Board of Control Act.
- 72.01.070 Source—new.
This section on oaths added to eliminate a deficiency in the law, and to prescribe by statute what currently is done under administrative practice.
- 72.01.080 Source—new.
This section on official bonds added to make uniform the provisions of earlier laws and to account for later general laws on the subject.
- 72.01.090 Source—1907 c 166 sec. 7; 1901 c 119 sec. 9; RRS sec. 10905; RCW 72.04.060.
“act” to “title”
- 72.01.100 Source—1955 c 195 sec. 4 (3) (4) (5) (6). Prior: 1921 c 7 sec. 44; RRS sec. 10802; RCW 43.28.020 (3) (4) (5) (6).
See notes to 72.01.040.
- 72.01.110 Source—1954 SLC-RO-28 [1901 c 119 sec. 12; RRS sec. 10909.]; RCW 72.04.100.
The last sentence of this section as it appears in RCW reads as follows:
In calling for bids for improvements to be made the department shall follow the provisions of RCW 72.04.070, which provisions are hereby made to and shall cover all calls made and contracts awarded under this section.
This sentence has been deleted since RCW 72.04.070 (1901 c 119 sec. 10) was repealed by 1955 c 285 sec. 19. The substantive provisions of 1901 c 119 sec. 10 have been incorporated for reenactment herein as section 72.01.120.

- 72.01.120 Source—1901 c 119 sec. 10, part.
See notes to 72.01.110. Explanatory note.
- 72.01.130 Source—1957 c 25 sec. 1; 1891 c 147 sec. 29; RRS sec. 10908; RCW 72.04.090.
- 72.01.140 Source—1955 c 195 sec. 4 (7) (8) (9) (10) (11). Prior: 1921 c 7 sec. 39; RRS sec. 10707; RCW 43.28.020 (7) (8) (9) (10) (11). See notes to 72.01.040.
- 72.01.150 Source—1955 c 195 sec. 4 (12) (13) (14) (15) (16). Prior: 1923 c 101 sec. 1; 1921 c 7 sec. 40; RRS sec. 10798; RCW 43.28.020 (12) (13) (14) (15) (16).
- 72.01.160 Source—1921 c 7 sec. 41; RRS sec. 10799; RCW 43.19.170.
“fund” to “account” since the state institutional revolving fund moneys have been transferred to the state institutional account in the state treasury (RCW 43.79.330).
The clause “which fund is hereby created and established in the state treasury” deleted as the section if reenacted will read as follows:
The director shall have the power, and it shall be his duty, to cause all moneys or credits . . . to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account. . . .
- 72.01.170 Source—1955 c 195 sec. 4 (17). Prior: 1921 c 7 sec. 36, part; RRS sec. 10794, part; RCW 43.28.020 (17).
See notes to RCW 72.01.040.
- 72.01.180 Source—1921 c 7 sec. 32; RRS sec. 10790; RCW 43.19.150.
- 72.01.190 Source—1947 c 188 sec. 1; RRS sec. 10898; RCW 72.04.140.
- 72.01.200 Source—1947 c 211 sec. 1; RRS sec. 10319-1; RCW 72.04.130.
- 72.01.210 Source—1955 c 248 sec. 1; RCW 72.04.160.
- 72.01.220 Source—1955 c 248 sec. 2; RCW 72.04.170.
- 72.01.230 Source—1955 c 248 sec. 3; RCW 72.04.180.
- 72.01.240 Source—1955 c 248 sec. 4; RCW 72.04.190.
- 72.01.250 Source—1955 c 248 sec. 5; RCW 72.04.200.
- 72.01.260 Source—1929 c 59 sec. 2; RRS sec. 10236-1; RCW 72.08.210.
1929 c 59 sec. 2 reads as follows:
Nothing contained in chapter 38 of the Laws of 1905 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the director of business control may prescribe.
Since 1905 c 38, providing for the appointment of a penitentiary chaplain, was repealed by 1955 c 248 which act provides for the appointment of chaplains for the various institutions, “sections 72.01.210 through 72.01.250,” the counterpart of 1955 c 248 in this reenactment, has been substituted for “chapter 38 of the laws of 1905” and this section has been placed for reenactment following section 72.01.250.
- 72.01.270 Source—1901 c 119 sec. 8; RRS sec. 10904; RCW 72.04.050.
Note that 1901 c 119 sec. 8 was ostensibly repealed by the Mental Illness and Hospitalization Act (1951 c 139 sec. 69). However, the title of that act was limited to mental illness, and the provision therein on gifts (1951 c 139 sec. 10) applies only to money and personal property donated to state hospitals. Thus, this section on the acceptance of gifts made over to the department is included for reenactment.
- 72.01.280 Source—1957 c 188 sec. 1; 1907 c 166 sec. 6; 1901 c 119 sec. 6; RRS sec. 10903; RCW 72.04.040.
The effective date of this section is July 1, 1959, see 72.98.060.
- 72.01.290 Source—1907 c 166 sec. 9; 1901 c 119 sec. 13; RRS sec. 10910; RCW 72.04.110.

Explanatory
note.

Note the first part of the session law reads as follows:

The Board shall keep at its office, accessible only to members of the Board, the secretary and proper clerks, except by consent of the Board . . .

The following, based on the RCW version of this part of the section, is included herein for reenactment:

The department shall keep at its office, accessible only to the director and proper officers and employees, and to other persons authorized by the director, . . .

- 72.01.300 Source—1921 c 7 sec. 43; RRS sec. 10801; RCW 43.19.160.
- 72.01.310 Source—1901 c 119 sec. 15; RRS sec. 10917; RCW 72.04.150.
- 72.01.320 Source—1955 c 195 sec. 5. Prior: (i) 1901 c 119 sec. 14; RRS sec. 10915. (ii) 1915 c 107 sec. 1, part; 1907 c 166 sec. 2, part; 1901 c 119 sec. 3, part; RRS sec. 10899, part; 1921 c 7 sec. 36, part; RRS sec. 10794, part; RCW 43.28.030.
- 72.01.330 Source—1957 c 272 sec. 3; RCW 43.28.120.
- 72.01.340 Source—1957 c 272 sec. 4; RCW 43.28.130.
"to be appointed after the taking effect of this act" deleted after "commission".
- 72.01.350 Source—1957 c 272 sec. 5; RCW 43.28.140.
- 72.01.360 Source—1957 c 272 sec. 6; RCW 43.28.150.

Chapter 72.02 Division of Adult Corrections

- 72.02.010 Source—1957 c 272 sec. 13; RCW 43.28.080.
"new" deleted after "institutions".
- 72.02.020 Source—1957 c 272 sec. 14; RCW 43.28.090.
- 72.02.030 Source—1957 c 272 sec. 15; RCW 43.28.100.
- 72.02.040 Source—1957 c 272 sec. 16; RCW 43.28.110.

Chapter 72.03 Division on Alcoholism

- 72.03.010 Source—1957 c 136 sec. 1; RCW 71.16.010.
- 72.03.020 Source—1957 c 136 sec. 2; RCW 71.16.020.
- 72.03.030 Source—1957 c 136 sec. 3; RCW 71.16.030.
- 72.03.040 Source—1957 c 136 sec. 4; RCW 71.16.040.
- 72.03.050 Source—1957 c 136 sec. 5; RCW 71.16.050.
- 72.03.060 Source—1957 c 136 sec. 6; RCW 71.16.060.
- 72.03.070 Source—1957 c 136 sec. 7; RCW 71.16.070.
- 72.03.080 Source—1957 c 136 sec. 8; RCW 71.16.080.
- 72.03.090 Source—1957 c 136 sec. 9; RCW 71.16.090.
- 72.03.100 Source—1957 c 136 sec. 10; RCW 71.16.100.
- 72.03.110 Source—1957 c 136 sec. 11; RCW 71.16.110.
- 72.03.120 Source—1957 c 136 sec. 12; RCW 71.16.120.
- 72.03.130 Source—1957 c 136 sec. 13; RCW 71.16.130.
- 72.03.140 Source—1957 c 136 sec. 14; RCW 71.16.140.
- 72.03.150 Source—1957 c 136 sec. 15; RCW 71.16.150.
- 72.03.160 Source—1957 c 136 sec. 16; RCW 71.16.160.
- 72.03.170 Source—1957 c 136 sec. 18; RCW 71.16.170.

Chapter 72.05 Division of Children and Youth
Services—Council for Children and Youth

- 72.05.010 Source—1951 c 234 sec. 1. Presently a footnote to RCW 43-19.260.
"act" to "sections 72.05.010 through 72.05.210"
- 72.05.020 Source—1951 c 234 sec. 2; RCW 43.19.260.
"As used in this chapter," added before "Unless".
- 72.05.030 Source—1951 c 234 sec. 3; RCW 43.19.270.
"new" deleted before "division".
- 72.05.040 Source—1957 c 272 sec. 7; RCW 43.19.280.
"Upon the taking effect of RCW 43.19.260 to 43.19.440" deleted to conform with other sections providing for the appointment of assistant directors.

- 75.05.050 Source—1951 c 234 sec. 5; RCW 43.19.290. Explanatory
The following 1951 proviso omitted as obsolete: *Provided,* note.
That upon the taking effect of this act, all the personnel of
the Washington State Training School, State School for Girls,
Lakeland Village, Rainier State School, the State School for the
Blind, and the State School for the Deaf, shall be retained as
employees of the division pending determination by the super-
visor as to their permanent status, which is dependent also
upon their ability within one year to meet the requirements
for their respective positions according to the standards
established by the state personnel board with the advice of
the supervisor.
- 72.05.060 Source—1951 c 234 sec. 6; RCW 43.19.300.
72.05.070 Source—1951 c 234 sec. 7; RCW 43.19.310.
72.05.080 Source—1951 c 234 sec. 8; RCW 43.19.320.
72.05.090 Source—1951 c 234 sec. 9; RCW 43.19.330.
72.05.100 Source—1951 c 234 sec. 10; RCW 43.19.340.
72.05.110 Source—1951 c 234 sec. 11; RCW 43.19.350.
72.05.120 Source—1951 c 234 sec. 12; RCW 43.19.360.
72.05.130 Source—1951 c 234 sec. 13; RCW 43.19.370.
72.05.140 Source—1951 c 234 sec. 14; RCW 43.19.380.
72.05.150 Source—1951 c 234 sec. 15; RCW 43.19.390.
72.05.160 Source—1951 c 234 sec. 16; RCW 43.19.400.
“act” to “sections 72.05.010 through 72.05.210”.
- 72.05.170 Source—1955 c 240 sec. 1; RCW 43.19.405.
“of children and youth services of the department of public
institutions” deleted, see notes to sec. 72.05.300.
- 72.05.180 Source—1951 c 234 sec. 17; RCW 43.19.430.
72.05.190 Source—1951 c 234 sec. 18; RCW 43.19.440.
72.05.200 Source—1951 c 234 sec. 19; RCW 43.19.410.
“act” to “sections 72.05.010 through 72.05.210”.
- 72.05.210 Source—1951 c 234 sec. 20; RCW 43.19.420.
“act” to “section 72.05.010 through 72.05.210”.
- 72.05.300 Source—1957 c 297 sec. 2; RCW 43.28.160.
“of children and youth services” omitted from phrase “di-
vision of children and youth services” as division is defined
as the division of children and youth services by section
72.05.010.
- 72.05.310 Source—1957 c 297 sec. 3; RCW 43.28.180.
“of institutions” and “of children and youth” deleted, see
notes to 72.05.300.
- Chapter 72.06 Division of Mental Health
- 72.06.010 Source—1957 c 272 sec. 9; RCW 43.28.040.
“new” deleted before “division”.
- 72.06.020 Source—1957 c 272 sec. 10; RCW 43.28.050.
72.06.030 Source—1957 c 272 sec. 11; RCW 43.28.060.
72.06.040 Source—1957 c 272 sec. 12; RCW 43.28.070.
72.06.050 Source—1955 c 136 sec. 2; RCW 43.28.600.
72.06.060 Source—1955 c 136 sec. 3; RCW 43.28.610.
72.06.070 Source—1955 c 136 sec. 4; RCW 43.28.620.
72.06.080 Source—1955 c 136 sec. 5; RCW 43.28.630.
“the effective date of this act” to “June 8, 1955”.
- 72.06.090 Source—1955 c 136 sec. 6; RCW 43.28.640.
- Chapter 72.08 State Penitentiary
- 72.08.010 Source—1891 c 147 sec. 1; RRS sec. 10210; RCW 72.08.010.
“and all lands acquired thereafter” added after “Walla Walla”
to account for lands acquired or to be acquired for peni-
tentiary purposes.
- 72.08.020 Source—1891 c 147 sec. 5; RRS sec. 10211; RCW 72.08.020.
Except for a provision requiring at least a monthly visit to

Explanatory
note.

- the penitentiary and a provision giving the superintendent emergency rulemaking powers, 1891 c 147 sec. 5 is obsolete. The visitation provision appears herein as section 72.08.020 and the emergency rule provision as section 72.08.045.
- 72.08.040 Source—1891 c 147 sec. 7; RRS sec. 10213; RCW 72.08.040. “warden” to “superintendent”, see section 72.01.060. Note the first clause of the session law reads as follows:
The warden shall reside at the penitentiary in a house provided and furnished at the expense of the state, as may be ordered by the board of directors
The italicized matter has been deleted as superseded, see section 72.01.280.
“attorney general” substituted for “prosecuting attorney of Walla Walla county” on the basis of subsequent legislation broadening the attorney general’s powers and duties. The third paragraph of the session laws on monthly reports to the governor concerning prisoners whose terms are about to expire omitted as obsolete.
- 72.08.045 Source—1891 c 147 sec. 5, part. See notes to RCW 72.08.020.
- 72.08.050 Source—1891 c 147 sec. 10; RRS sec. 10216; RCW 72.08.050.
- 72.08.070 Source—1957 c 115 sec. 5; 1891 c 147 sec. 15; RRS sec. 10218; RCW 72.08.070.
- 72.08.080 Source—1891 c 147 sec. 16; RRS sec. 10219; RCW 72.08.080. “warden” to “superintendent”, see section 72.01.060. Note the last sentence reads as follows:
When any sum of money is paid to the warden he shall cause the same to be properly entered on the books by the clerk.
“by the clerk” has been deleted since the sections establishing the office of the clerk, 1891 c 147 secs. 8, 9, were repealed by 1931 c 58 sec. 1.
- 72.08.090 Source—1891 c 147 sec. 17; RRS sec. 10220; RCW 72.08.090. “as provided in this act” omitted from the phrase “on payment of any moneys into the state treasury, as provided in this act”. The last sentence of the session law on monthly and quarterly financial reports omitted as obsolete.
- 72.08.100 Source—1955 c 94 sec. 2. Prior: 1891 c 147 sec. 19, part; RRS sec. 10222, part; RCW 72.08.100.
- 72.08.110 Source—1955 c 94 sec. 3. Prior: 1891 c 147 sec. 19, part; RRS sec. 10222, part; RCW 72.08.110. “state hospitals for the insane” to “state hospitals for the mentally ill” as the state hospitals are so designated by the Mental Illness and Hospitalization Act.
- 72.08.120 Source—1927 c 305 sec. 2; RRS sec. 10223-2; RCW 72.08.120.
- 72.08.130 Source—1891 c 147 sec. 21; RRS sec. 10225; RCW 72.08.130. Note the first proviso reads as follows:
Provided, That no building or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor, secretary and treasurer of the state, or a majority thereof:
The 1951 RCW version is adopted, requiring the consent of the governor only and conforming the section with the departmental structure of state government.
- 72.08.140 Source—1891 c 147 sec. 22; RRS sec. 10226; RCW 72.08.140.
- 72.08.150 Source—1955 c 77 sec. 1; 1891 c 147 sec. 23; RRS sec. 10227; RCW 72.08.150.
- 72.08.160 Source—1891 c 147 sec. 24; RRS sec. 10228; RCW 72.08.160.
- 72.08.170 Source—1891 c 147 sec. 27; RRS sec. 10231; RCW 72.08.170. “penitentiary fund” to “any funds available therefor” to broaden the source from which rewards may be paid.

- 72.08.343 Source—1957 c 21 sec. 1; RCW 72.08.343. Explanatory note.
 “or the state reformatory” deleted since this section, applicable also to the reformatory, is repeated as section 72.12.122.
- 72.08.380 Source—1957 c 61 sec. 1; RCW 72.08.380.
 “or the superintendent of the state reformatory” deleted since this section, applicable also to the reformatory, is repeated as section 72.12.140.

Chapter 72.12 State Reformatory

- 72.12.010 Source—1927 c 212 sec. 1; RRS sec. 10280-1; RCW 72.12.010.
 “act” to “chapter” since 1927 c 212 is codified in chapter 72.12 alone.
- 72.12.020 Source—1927 c 212 sec. 2; RRS sec. 10280-2; RCW 72.12.020.
- 72.12.040 Source—1927 c 212 sec. 4; RRS sec. 10280-4; RCW 72.12.040.
 Provision on salaries to be paid all appointees or employees deleted as consistent with, and covered by, section 72.01.060. Provision as to appointment of chaplain deleted as superseded by sections 72.01.210 through 72.01.240.
- 72.12.050 Source—1955 c 242 sec. 1; 1927 c 212 sec. 5; RRS sec. 10280-5; RCW 72.12.050.
- 72.12.070 Source—1927 c 212 sec. 8; RRS sec. 10280-8; RCW 72.12.070.
- 72.12.090 Source—1927 c 212 sec. 13; RRS sec. 10280-13; RCW 72.12.090.
 “department of efficiency” to “director of budget” since the powers and duties of the “department of efficiency” referred to in this section have devolved upon the director of budget through a chain of statutes as follows: 1935 c 176 sec. 19; 1941 c 196 sec. 7; 1947 c 114 secs. 3, 4.
 “purchase of supplies and” deleted since this function is now performed by the Department of General Administration.
- 72.12.100 Source—1927 c 212 sec. 14; RRS sec. 10280-14; RCW 72.12.100.
- 72.12.122 Source—1957 c 21 sec. 1; RCW 72.08.343.
 “the state penitentiary or” deleted after “confined” since this section, applicable also to the penitentiary, is inserted as section 72.08.343.
- 72.12.140 Source—1957 c 61 sec. 1; RCW 72.08.380.
 “the superintendent of the state penitentiary or” deleted after “wherever” since this section, applicable also to the penitentiary, is also inserted as section 72.08.380.

Chapter 72.16 Green Hill School

The substance of this chapter is for the most part in the language of the 1951 edition of the Revised Code of Washington and supplements thereto. In instances where the Revised Code language was deemed a material departure from the session laws upon which it was based, resulting in a possible change of meaning, the session law language has been used herein.

- 72.16.010 Source—1955 c 230 sec. 1. Prior: (i) 1909 p. 256 sec. 1; RRS sec. 4624. (ii) 1907 c 90 sec. 1; 1890 p 271 sec. 1; RRS sec. 10299; RCW 72.16.010.
- 72.16.020 Source—(i) 1909 p 256 sec. 2; RRS sec. 4625. (ii) 1890 p 272 sec. 2; RRS sec. 10300; RCW 72.16.020.
 “reformatory” deleted before “training” since the word “reform” has long been removed from the name of the school. Session law language “eighteen” substituted for “sixteen” used in the language of the Revised Code.
 “lawfully committed” substituted for “committed by a court of competent jurisdiction” in view of 1957 c 297 secs. 4-6 whereby commitment may be to the division of children and youth services for placement.
- 72.16.070 Source—(i) 1909 p 257 sec. 7; RRS sec. 4630. (ii) 1890 p 256 sec. 19; RRS sec. 10307; RCW 72.16.070.

Explanatory
note.

"of the two sexes" deleted from the phrase "instructed in the different trades and callings of the two sexes" since the girls' department of the state training school has been abolished. "at least" added after "in" and before "the" to allow for any instruction beyond the eighth grade while assuring the mandatory instruction in the first eight grades provided in the session law.

The first sentence of this section relating to the investigation of complaints against the superintendent or any employee of the school deleted as repetitious of section 72.01.060.

72.16.090 Source—1890 c 276 sec. 21; RRS sec. 10308; RCW 72.16.090.

Chapter 72.20 Maple Lane School

72.20.010 Source—1955 c 230 sec. 2; 1913 c 157 sec. 1; RRS sec. 4631; RCW 72.20.010.

72.20.020 Source—1913 c 157 sec. 3; RRS sec. 4633; RCW 72.20.020.

72.20.040 Source—1913 c 157 sec. 5; RRS sec. 4635; RCW 72.20.040. subdivision (4) of this section relating to engaging and removing employees, deleted since the employees involved are subject to the 1951 children and youth services act which places them under the state personnel board.

72.20.050 Source—1913 c 157 sec. 8; RRS sec. 4638; RCW 72.20.050.

72.20.060 Source—1913 c 157 sec. 9, part; RRS sec. 4639, part; RCW 72.20.060, part.

72.20.065 Source—1913 c 157 sec. 9, part; RRS sec. 4639, part; RCW 72.20.060, part.

RCW 72.20.060 has been divided into two sections to separate unrelated subjects.

72.20.070 Source—1913 c 157 sec. 10; RRS sec. 4640; RCW 72.20.070.

"state school for girls" to "Maple Lane School".

72.20.080 Source—1913 c 157 sec. 11; RRS sec. 4641; RCW 72.20.080.

72.20.090 Source—1913 c 157 sec. 12; RRS sec. 4642; RCW 72.20.090.

Chapter 72.23 State Hospitals for the Mentally Ill

The mental illness hospitalization act (1951 c 139, presently codified as chapter 71.02 RCW) contains the general procedure for mental illness commitment to any institution, as well as provisions for the establishment and administration of the state mental hospitals. In the instant bill, and the companion bill relating to Title 71, the 1951 act is divided and the commitment provisions are retained in Title 71 while the administrative provisions relating to the state institutions are brought over into Title 72 as a part of the public institutions code. The definitions section of the 1951 act is carried in both bills, as sections 71.02.010 and 72.23.010. Sections 1 and 4 of the 1951 act, relating to statutory construction are likewise carried in both bills, as sections 71.02.900, 72.23.900 and 71.02.020, 72.23.910, respectively.

72.23.010 Source—1951 c 139 sec. 2; RCW 71.02.010.

"act" to "chapter"

The definition of department has been deleted from this section since it is provided for in section 72.01.010 of this reenactment.

72.23.020 Source—1951 c 139 sec. 6; RCW 71.02.440.

72.23.030 Source—1951 c 139 sec. 7; RCW 71.02.510.

72.23.040 Source—1951 c 139 sec. 8; RCW 71.02.540.

72.23.050 Source—1951 c 139 sec. 9; RCW 71.02.520.

72.23.060 Source—1951 c 139 sec. 10; RCW 71.02.600.

72.23.070 Source—1951 c 139 sec. 11. Prior: 1949 c 198 sec. 19, part; RCW 71.02.030.

72.23.080 Source—1951 c 139 sec. 12. Prior: 1949 c 198 sec. 19, part; RCW 71.02.040.

72.23.090 Source—1951 c 139 sec. 13. Prior: 1949 c 198 sec. 19, part; RCW 71.02.050.

- 72.23.100 Source—1951 c 139 sec. 14. Prior: 1949 c 198 sec. 19, part; RCW 71.02.060. Explanatory note.
- 72.23.110 Source—1951 c 139 sec. 15. Prior: 1949 c 198 sec. 19, part; RCW 71.02.070.
- 72.23.120 Source—1951 c 139 sec. 16. Prior: 1949 c 198 sec. 19, part; RCW 71.02.080.
- 72.23.130 Source—1951 c 139 sec. 40; RCW 71.02.530.
- 72.23.140 Source—1951 c 139 sec. 41; RCW 71.02.610.
- 72.23.150 Source—1951 c 139 sec. 42; RCW 71.02.620.
- 72.23.160 Source—1951 c 139 sec. 43; RCW 71.02.630.
- 72.23.170 Source—1957 c 225 sec. 1; 1949 c 198 sec. 20; Rem. Supp. 1949 sec. 6953-20; RCW 71.12.620.
The session law reference to "school for mental defectives" is deleted since this section is repeated in chapter 72.33 and there made to apply to state residential schools.
"state hospital for the mentally ill" substituted for "mental hospital" since the context of the session law (e.g. see 1949 c 198 sec. 53) indicates its application is to state hospitals only.
"such inmate has been lawfully committed" substituted for "a person is committed under any provisions of this act" since the commitment provisions of 1949 c 198 have been repealed by later acts on commitment which, however, do not provide penalties for escape of inmates.
- 72.23.180 Source—1951 c 139 sec. 44; RCW 71.02.640.
- 72.23.190 Source—1951 c 139 sec. 45; RCW 71.02.660.
- 72.23.200 Source—1951 c 139 sec. 46. Prior: 1949 c 198 sec. 17; RCW 71.02.550.
- 72.23.210 Source—1951 c 139 sec. 47. Prior: 1949 c 198 sec. 18; RCW 71.02.560.
"act" to "chapter"
- 72.23.220 Source—1957 c 54 sec. 1; 1951 c 139 sec. 48; RCW 71.02.590
- 72.23.230 Source—1953 c 217 sec. 2; 1951 c 139 sec. 49; RCW 71.02.570.
- 72.23.240 Source—1953 c 217 sec. 1; RCW 71.02.575.
- 72.23.250 Source—1951 c 139 sec. 50; RCW 71.02.580.
- 72.23.260 Source—1951 c 139 sec. 65; RCW 71.02.460.
- 72.23.270 Source—1951 c 139 sec. 66; RCW 71.02.500.
- 72.23.280 Source—1951 c 139 sec. 67; RCW 71.02.470.
- 72.23.290 Source—1951 c 139 sec. 68; RCW 71.02.480.
- 72.23.300 Source—1949 c 198 sec. 52; Rem. Supp. 1949 sec. 6953-52; RCW 71.12.630.
"any state institution for the care and treatment of mental illness" substituted for "any institution" since the title of the act and the context of the session law (e.g. see 1949 c 198 sec. 53) indicate that the term "any institution" is too broad.
- 72.23.900 Source—1951 c 139 sec. 1; RCW 71.02.900.
"act" to "chapter"
- 72.23.910 Source—1951 c 139 sec. 4; RCW 71.12.020.
See note to 72.23.020.
- Chapter 72.25 Nonresident Insane, Feeble-minded,
Epileptics, Sexual Psychopaths and
Psychopathic Delinquents**
- 72.25.010 Source—1957 c 29 sec. 1; 1953 c 232 sec. 1; RCW 71.04.270
- 72.25.020 Source—1957 c 29 sec. 2; 1953 c 232 sec. 2; RCW 71.04.280.
- 72.25.030 Source—1957 c 29 sec. 3; 1953 c 232 sec. 3; RCW 71.04.290.
- 72.25.040 Source—1957 c 29 sec. 4; 1953 c 232 sec. 4; RCW 71.04.300.
- Chapter 72.33 State Residential Schools**
- 72.33.010 Source—1957 c 102 sec. 1. Prior: 1937 c 10 sec. 3; RRS sec. 4679-3; RCW 72.33.010.

Explanatory
note.

- 72.33.020 Source—1957 c 102 sec. 2; RCW 72.33.020.
“as used in this chapter” added before “unless” since 1957 c 102 appears in chapter 72.33, only.
- 72.33.030 Source—1957 c 102 sec. 3. Prior: (i) 1905 c 70 sec. 1. (ii) 1947 c 157 sec. 1. (iii) 1905 c 70 sec. 2. (iv) 1947 c 157 sec. 2. (v) 1937 c 10 sec. 2. (vi) RCW 72.28.010 and 72.32.010; RCW 72.33.030.
- 72.33.040 Source—1957 c 102 sec. 4. Prior: (i) 1937 c 10 sec. 19. (ii) 1937 c 10 sec. 7; RCW 72.33.040.
- 72.33.050 Source—1957 c 102 sec. 5. Prior: (i) 1913 c 173 sec. 14. (ii) 1937 c 10 sec. 18; RCW 72.33.050.
- 72.33.060 Source—1957 c 102 sec. 6; RCW 72.33.060.
- 72.33.070 Source—1957 c 102 sec. 7; RCW 72.33.070.
- 72.33.080 Source—1957 c 102 sec. 8; RCW 72.33.080.
- 72.33.090 Source—1957 c 102 sec. 9; RCW 72.33.090.
- 72.33.100 Source—1957 c 102 sec. 10; RCW 72.33.100.
- 72.33.110 Source—1957 c 102 sec. 11; RCW 72.33.110.
- 72.33.120 Source—1957 c 102 sec. 12. Prior: (i) 1913 c 173 sec. 2. (ii) 1913 c 173 sec. 3. (iii) 1913 c 173 sec. 4. (iv) 1913 c 173 sec. 9. (v) 1909 p 260 sec. 3. (vi) 1937 c 10 sec. 8. (vii) 1937 c 10 sec. 9. (viii) 1937 c 10 sec. 10. (ix) 1937 c 10 sec. 11. (x) 1937 c 10 sec. 15. (xi) 1937 c 10 sec. 16; RCW 72.33.120.
- 72.33.130 Source—1957 c 102 sec. 13. Prior: (i) 1913 c 173 sec. 2. (ii) 1913 c 173 sec. 8. (iii) 1937 c 10 sec. 9. (iv) 1937 c 10 sec. 14; RCW 72.33.130.
- 72.33.140 Source—1957 c 102 sec. 14. Prior: (i) 1913 c 173 sec. 10. (ii) 1937 c 10 sec. 20; RCW 72.33.140.
- 72.33.150 Source—1957 c 102 sec. 15. Prior: (i) 1913 c 173 sec. 8. (ii) 1913 c 173 sec. 10. (iii) 1913 c 110 sec. 14; RCW 72.33.150.
- 72.33.160 Source—1957 c 102 sec. 16. Prior: 1913 c 173 sec. 10; RCW 72.33.160.
- 72.33.170 Source—1957 c 102 sec. 17. Prior: 1913 c 173 sec. 10; RCW 72.33.170.
- 72.33.180 Source—1957 c 102 sec. 18; RCW 72.33.180.
- 72.33.190 Source—1957 c 102 sec. 19; RCW 72.33.190.
- 72.33.200 Source—1957 c 102 sec. 20; RCW 72.33.200.
- 72.33.210 Source—1957 c 102 sec. 21. Prior: (i) 1913 c 173 sec. 12. (ii) 1937 c 10 sec. 17; RCW 72.33.210.
- 72.33.220 Source—1957 c 102 sec. 22. Prior: 1913 c 173 sec. 10; RCW 72.33.220.
- 72.33.230 Source—1957 c 102 sec. 23; RCW 72.33.230.
- 72.33.240 Source—1957 c 102 sec. 24; RCW 72.33.240.
- 72.33.260 Source—1957 c 225 sec. 1; 1949 c 198 sec. 20; Rem. Supp. 1949 sec. 6953-20; RCW 71.12.620.
“any mental hospital”, “or institutions for psychopaths” deleted since this section is also inserted in chapter 72.23 (section 72.23.170) and there made to apply to state hospitals for the mentally ill.
“resident” substituted for “inmate” since 1957 c 102, the residential school act, refers to persons residing at the institution as “residents”.
- 72.33.900 Source—1957 c 102 sec. 25; RCW 72.33.250.

Chapter 72.36 Soldiers' and Veterans' Homes

- 72.36.010 Source—1901 c 167 sec. 1; 1890 p 269 sec. 1; RCW 72.36.010.
This section is taken from RCW and reads as follows:
There is established at Orting, Pierce County, an institution which shall be known as the Washington soldiers' home. 1901 c 167 sec. 1 reads as follows:
That section 2631, Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as fol-

lows: "There shall be established in this state an institution under the name of the Washington Soldiers' Home which institution shall be a home for honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled in the line of duty, and who are *bona fide* citizens of this state."

Explanatory
note.

Since a later act, 1915 c 106 sec. 1, section 72.36.030 herein, provides that "All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting", the language in 1901 c 167 sec. 1 to the effect that the institution "shall be a home for the honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled in the line of duty," has been deleted and the RCW version of the section adopted.

- 72.36.020 Source—1890 p 271 sec. 7; RCW 72.36.020.
The language "and who shall hold office for five years unless sooner removed by the trustees, for cause of which they shall be the judges" deleted since it is apparently superseded by 1907 c 166 sec. 5 (section 72.01.060) the general statute relative to superintendents. The language "and he shall, with the approval of the majority of the board, appoint or employ all subordinate officers and employees of said institution, and may remove or discharge him for cause" deleted for the same reason. "with the consent of the director, may" substituted for "shall" to leave to the determination of the director whether or not the superintendent of the soldiers' home is to be styled "commandant of the home".
- 72.36.030 Source—1915 c 106 sec. 1. Prior: 1911 c 124 sec. 1; 1905 c 152 sec. 1; 1901 c 157 sec. 2; 1890 p 270 sec. 2; RCW 72.36.030.
- 72.36.040 Source—1947 c 190 sec. 1; 1925 ex.s. c 74 sec. 1; 1915 c 106 sec. 2; RCW 72.36.040.
- 72.36.050 Source—1947 c 190 sec. 2; 1939 c 161 sec. 1; 1927 c 276 sec. 1; 1925 ex.s. c 74 sec. 1; 1915 c 106 sec. 3; RCW 72.36.050.
- 72.36.060 Source—1897 c 67 sec. 1; RCW 72.36.060.
This section is in the language of RCW since the "United States fund for the maintenance of the soldiers' home" referred to in the session law was abolished by 1929 c 168 and all the moneys therein were transferred to the general fund in the state treasury.
- 72.36.070 Source—1907 c 156 sec. 1; RCW 72.36.070.
- 72.36.080 Source—1951 c 104 sec. 1; 1927 c 276 sec. 2; 1915 c 106 sec. 4; RCW 72.36.080.
- 72.36.090 Source—1949 c 114 sec. 1; RCW 72.36.090.
- 72.36.100 Source—1949 c 114 sec. 2; RCW 72.36.100.
- 72.36.110 Source—1955 c 247 sec. 7; RCW 72.36.110.

Chapter 72.40 State Schools for Blind and Deaf

Introductory note: The 1909 act created a "state school for the deaf and the blind". This was divided into two schools on authority of 1913 c 10. The RCW version which adjusted for the division is largely adopted herein.

- 72.40.010 Source—1913 c 10 sec. 1; RCW 72.40.010.
- 72.40.020 Source—1909 p 258 sec. 5; RCW 72.40.020.
The language "each superintendent shall be appointed for a term of four years, and be subject to removal at the pleasure of the director" deleted as repetitious of section 72.01.060. The language "each superintendent shall have power to appoint all subordinates. The director may fix the number of employees

Explanatory
note.

- and the salaries paid to each" deleted as repetitious of section 72.01.060.
- 72.40.030 Source—1909 p 258 sec. 2. Prior: 1903 c 146 sec. 2; 1897 c 118 sec. 246; 1886 p 139 sec. 23; RCW 72.40.030.
 - 72.40.040 Source—1955 c 260 sec. 1; 1909 c 97 p 258 sec. 3. Prior: 1903 c 140 sec. 1; 1897 c 118 sec. 229; 1886 p 136 sec. 2; RCW 72.40.040.
 - 72.40.050 Source—1909 p 258 sec. 4. Prior: 1897 c 118 sec. 251; RCW 72.40.050.
 - 72.40.060 Source—1909 p 258 sec. 6. Prior: 1897 c 118 sec. 252; 1890 p 497 sec. 1; RCW 72.40.060.
The session law language "it shall be the duty of" substituted for the word "shall".
 - 72.40.070 Source—1909 p 259 sec. 7. Prior: 1897 c 118 sec. 253; 1890 p 497 sec. 2; RCW 72.40.070.
The session law language "it shall be the duty of" substituted for "shall".
 - 72.40.080 Source—1909 p 259 sec. 8. Prior: 1897 c 118 sec. 254; 1890 p 498 sec. 3; RCW 72.40.080.
 - 72.40.090 Source—1909 p 259 sec. 9. Prior: 1899 c 142 sec. 28; 1899 c 81 sec. 2; 1897 c 118 sec. 255; RCW 72.40.090.
 - 72.40.100 Source—1909 c 97 p 259 sec. 10. Prior: 1897 c 118 sec. 256; 1890 p 498 sec. 5; RCW 72.40.100.

Chapter 72.48 State Narcotic Farm Colony

- 72.48.010 Source—1935 c 84 sec. 1; RCW 72.48.010.
- 72.48.020 Source—1935 c 84 sec. 2; RCW 72.48.020.
"act" to "chapter" since 1935 c 84, alone, is codified as chapter 72.48.
- 72.48.030 Source—1935 c 84 sec. 3; RCW 72.48.030.
"act" to "chapter"
- 72.48.040 Source—1935 c 84 sec. 4; RCW 72.48.040.
- 72.48.050 Source—1935 c 84 sec. 5; RCW 72.48.050.
"act" to "chapter"
- 72.48.060 Source—1935 c 84 sec. 6; RCW 72.48.060.
- 72.48.070 Source—1935 c 84 sec. 7; RCW 72.48.070.
- 72.48.080 Source—1935 c 84 sec. 9; RCW 72.48.080.
- 72.48.090 Source—1935 c 84 sec. 10; RCW 72.48.090.
- 72.48.100 Source—1935 c 84 sec. 11; RCW 72.48.100.
"act" to "chapter"
- 72.48.110 Source—1935 c 84 sec. 8.
"act" to "chapter"

This section was not codified by the 1941 Code Committee

Chapter 72.50 State Bureau of Criminal Identification

- 72.50.010 Source—1955 c 318 sec. 1; RCW 43.29.010.
- 72.50.020 Source—1955 c 318 sec. 2; RCW 43.29.020.
- 72.50.030 Source—1955 c 318 sec. 3; RCW 43.29.030.
- 72.50.040 Source—1955 c 318 sec. 4; RCW 43.29.040.
- 72.50.050 Source—1955 c 318 sec. 5; RCW 43.29.050.
- 72.50.060 Source—1955 c 318 sec. 6; RCW 43.29.060.
- 72.50.070 Source—1955 c 318 sec. 7; RCW 43.29.070.
- 72.50.080 Source—1955 c 318 sec. 8; RCW 43.29.080.
- 72.50.090 Source—1955 c 318 sec. 9; RCW 43.29.090.
- 72.50.100 Source—1955 c 318 sec. 10; RCW 43.29.100.
- 72.50.110 Source—1955 c 318 sec. 11; RCW 43.29.110.

Chapter 72.56 State Institutions for Children
and Youth (Fort Worden)

- 72.56.010 Source—1957 c 217 sec. 1; RCW 72.56.010.
- 72.56.020 Source—1957 c 217 sec. 2; RCW 72.56.020.
- 72.56.030 Source—1957 c 217 sec. 3; RCW 72.56.030.
- 72.56.040 Source—1957 c 217 sec. 4; RCW 72.56.040.
- 72.56.050 Source—1957 c 217 sec. 5; RCW 72.56.050.

Chapter 72.60 Institutional Industries Commission

Explanatory
note.

- 72.60.010 Source—1955 c 314 sec. 2; RCW 43.95.010.
The definition of "department" is deleted from this section, since it is contained in section 72.01.010.
The definition of "chapter" is deleted.
"as used in this chapter, unless the context requires otherwise" added since 1955 c 314 appears in chapter 72.60, alone.
- 72.60.020 Source—1957 c 30 sec. 1; RCW 43.95.015.
- 72.60.030 Source—1955 c 314 sec. 3; RCW 43.95.020.
- 72.60.040 Source—1955 c 314 sec. 4; RCW 43.95.030.
- 72.60.050 Source—1955 c 314 sec. 5; RCW 43.95.040.
- 72.60.060 Source—1955 c 314 sec. 6; RCW 43.95.050.
- 72.60.070 Source—1955 c 314 sec. 7; RCW 43.95.060.
- 72.60.080 Source—1955 c 314 sec. 8; RCW 43.95.070.
- 72.60.090 Source—1955 c 314 sec. 9; RCW 43.95.080.
- 72.60.100 Source—1955 c 314 sec. 10; RCW 43.95.090.
- 72.60.110 Source—1955 c 314 sec. 11; RCW 43.95.100.
- 72.60.120 Source—1955 c 314 sec. 12; RCW 43.95.110.
- 72.60.130 Source—1955 c 314 sec. 13; RCW 43.95.120.
- 72.60.140 Source—1955 c 314 sec. 14; RCW 43.95.130.
- 72.60.150 Source—1955 c 314 sec. 15; RCW 43.95.140.
- 72.60.160 Source—1955 c 314 sec. 16; RCW 43.95.150.
- 72.60.170 Source—1955 c 314 sec. 17; RCW 43.95.160.
- 72.60.180 Source—1955 c 314 sec. 18; RCW 43.95.170.
- 72.60.190 Source—1957 c 30 sec. 2; RCW 43.95.180.
- 72.60.200 Source—1957 c 30 sec. 4; RCW 43.95.190.
- 72.60.210 Source—1957 c 30 sec. 5; RCW 43.95.200.
- 72.60.220 Source—1957 c 30 sec. 6; RCW 43.95.210.
- 72.60.230 Source—1957 c 30 sec. 3; RCW 43.95.220.

Chapter 72.64 Labor and Employment of Prisoners

This is a new chapter created by bringing together the provisions relating to the labor and employment of prisoners.

- 72.64.010 Source—1943 c 175 sec. 1; RCW 72.08.220.
"director of finance, budget and business through and by the means of the division of public institutions" to "director" since the powers and duties referred to herein have devolved upon the director of institutions through a chain of statutes as follows: 1947 c 114 sec. 5; 1955 c 195 secs. 1, 4.
"adult correctional institutions" substituted for "state penitentiary or reformatory" in view of the creation of the division of adult corrections.
- 72.64.020 Source—1943 c 175 sec. 2; RCW 72.08.230.
"the employment of prisoners" moved so as to precede "the conduct".
"now" deleted before "provided".
- 72.64.030 Source—1927 c 305 sec. 1 and 1927 c 212 sec. 7. Presently uncodified.
The session laws upon which this section is based are identical except that one applies to the state penitentiary and the other to the state reformatory. In this bill for re-enactment they have been combined by adding "or reformatory" after the words "state penitentiary" in 1927 c 305 sec. 1.
"provided that prisoners shall not be employed in what is known as the contract system of labor" deleted as repetitious of section 72.64.010.
- 72.64.040 Source—1957 c 19 secs. 1 and 2; RCW 72.08.250 and 72.12.080 respectively.
The sessions laws upon which this section is based are identical except that one applies to the state penitentiary and the other applies to the state reformatory. In this bill for reenactment

Explanatory
note.

they have been combined by adding "or reformatory" after the word "penitentiary" in 1957 c 19 sec. 1.

"Upon release, parole, or discharge" substituted for "Upon release, or discharge, from the penitentiary or reformatory" to broaden the application to all adult correctional institutions and camps.

72.64.050 Source—1943 c 175 sec. 3; RCW 72.08.240.

72.64.060 Source—1955 c 128 sec. 1; RCW 43.28.500.

72.64.070 Source—1955 c 128 sec. 2; RCW 43.28.510.

"superintendent of public institutions" to "director". Although there is no statute creating an office of "superintendent of public institutions", the supervisor of public institutions, who had charge of the division of public institutions prior to the 1955 departmental reorganization, is probably the officer referred to in this section. There is no direct transfer by statute of the powers and duties of the supervisor of the division of public institutions, but it is fairly apparent that the director of the department of institutions has succeeded to these powers and duties.

72.64.080 Source—1955 c 128 sec. 3; RCW 43.28.520.

"superintendent of public institutions" to "director", see notes to 72.64.070.

72.64.090 Source—1955 c 128 sec. 4; RCW 43.28.530.

Chapter 72.68 Transfers, Transportation, and
Detention Contracts

72.68.010 Source—1955 c 245 sec. 2; 1935 c 114 sec. 5; RRS sec. 10249-5; RCW 9.95.180.

"superintendent of public institutions" to "director" see notes to 72.64.070.

72.68.020 Source—1955 c 245 sec. 1; RCW 9.95.181.

"superintendent of public institutions" to "director".

Subsection (3) which reads as follows, deleted as transitional:

"All equipment acquired and used by, and all funds appropriated, to the board of prison terms and paroles for such purpose shall be transferred to the superintendent of public institutions upon the taking effect of this section."

72.68.030 Source—1909 c 249 sec. 32; RRS sec. 2284; RCW 72.04.120.

72.68.040 Source—1957 c 27 sec. 1; RCW 9.95.184.

72.68.050 Source—1957 c 27 sec. 2; RCW 9.95.185.

72.68.060 Source—1957 c 27 sec. 3; RCW 9.95.186.

72.68.070 Source—1957 c 27 sec. 4; RCW 9.95.187.

72.68.080 Source—1951 c 135 sec. 1; RCW 72.08.350.

72.68.090 Source—1951 c 135 sec. 2; RCW 72.08.360.

72.68.100 Source—1951 c 135 sec. 3; RCW 72.08.370.

Chapter 72.98 Construction

72.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.

72.98.020 Provides that chapter, etc., headings are not part of the law.

72.08.030 Severability.

72.98.040 Repeals and saving.

Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.

- (1) Relates to a board of commissioners appointed to locate the penitentiary. Repealed as obsolete.
- (2) Relates to purchase of buildings at Fort Steilacoom for insane asylum. Repealed without reenactment as obsolete.
- (3) Relates to a board of commissioners appointed to locate the penitentiary. Repealed without reenactment as obsolete.

- (4) Relates to the establishment and management of a hospital for the insane in Washington Territory. Repealed without reenactment as obsolete. Explanatory note.
- (5) Relates to the management of the hospital for insane at Stellacoom. Repealed without reenactment as obsolete.
- (6) Section 5 relates to the duties of the superintendent of the hospital for insane at Stellacoom. Repealed without reenactment as obsolete.
- (7) Relates to territorial convicts and construction of a penitentiary. Repealed without reenactment as obsolete.
- (8) Relates to the permanent location and construction of a hospital for the insane at Stellacoom. Repealed without reenactment as obsolete.
- (9) Relates to a board of commissioners appointed to locate a hospital for the insane in Eastern Washington. Repealed without reenactment as obsolete.
- (10) Relates to the permanent location of the penitentiary at Walla Walla. Repealed without reenactment as obsolete.
- (11) Relates to construction at Medical Lake. Repealed without reenactment as obsolete.
- (12) Relates to salaries of employees of the hospital for insane. Repealed without reenactment as obsolete.
- (13) Sections 4 through 6 relate to the government of the Soldiers' Home. Repealed without reenactment as superseded by 1901 c 119, the Board of Control Act.
- (14) Sections 3 through 16, 18, 20, 22 and 23 relate to the construction and government of the State Reform School. Repealed without reenactment either as temporary, or superseded.
- (15) Sections 1 through 7, 10 through 12, 14, 20, 21, and 41 through 45 relate to the management of the state hospitals for the insane. Repealed without reenactment as superseded by 1901 c 119 or 1951 c 139.
- (16) Sections 2 through 4, 12 through 14, and 18 relate to the management of the penitentiary. Repealed without reenactment as superseded by 1901 c 119, 1943 c 175, and 1955 c 195.
 Section 6 relates to the oath and bond of the superintendent of the penitentiary. Repealed without reenactment as sections 72.01.070 and 72.01.080 are new general sections on the subject.
 Section 11 relates to the removal of employees of the penitentiary. Repealed without reenactment as superseded by 1901 c 119.
- (17) Section 1 relates to the oath and bond of the superintendent of the penitentiary. Repealed without reenactment as sections 72.01.070 and 72.01.080 are new general sections on the subject.
- (18) Section 2 relates to any balance of the "United States fund for the maintenance of the soldiers' home." Repealed without reenactment since said fund was abolished by 1929 c 168.
- (19) Sections 1, 2, 4 and 5 relate to the State Board of Control and the administration of several institutions by the Board. Repealed without reenactment since the Board was abolished by 1921 c 7 sec. 135 and the administrative provisions are covered by subsequent laws.
- (21) Relates to men serving in the Indian Wars and their admission to the Soldiers' Home. Repealed without reenactment as obsolete.
- (25) Sections 1, 3 and 4 relate to the State Board of Control and the administration of several institutions by the Board. Repealed without reenactment since the Board was abolished by 1921 c 7 sec. 135 and the administrative provisions are covered by subsequent laws.

Explanatory
note.

- (26) Sections 4 through 6 relate to the management of the Green Hill School. Repealed without reenactment as consistent with and repetitious of section 72.01.060.
- (27) Section 1 relates to the control of the school for the deaf and blind. Repealed without reenactment since the Board of Control was abolished by 1921 c 7 sec. 135.
- (28) Sections 1 and 2 relate to a commission appointed to locate the Western Washington Hospital Farm. Repealed without reenactment as obsolete.
- (31) Section 4 relates to the bond of the superintendent of Maple Lane School. Repealed without reenactment as section 72.01-.080 is a new general section on the subject.
Section 5 relates to the management of the school. Repealed without reenactment as consistent with and repetitious of section 72.01.060.
- (37) Section 3 relates to the appointment, bond and salary of the superintendent of the state reformatory. Repealed without reenactment as section 72.01.080 is a new general section on the subject of bonds, and the appointment and salary provisions are consistent with and repetitious of section 72.01.060.
- (45) Sections 4 through 6 and 8 relate to the work of prisoners outside the institutions. Repealed without reenactment as section 8 limited the operation of sections 4 through 6 to the duration of the war.
- (46) Relates to an agreement for the occupation of a portion of the tidelands in front of the Veterans' Home by the United States Navy. Repealed without reenactment as the operation of the agreement was limited to the duration of the war and six months thereafter.
- 72.98.050 This section exempts the institutional bonding acts from the operation of the repeal and reenactment of the title.
- 72.98.060 Effective date. The standard emergency clause is used for the title with the exception of section 72.01.280, the effective date of which, as derived from 1957 c 188, is July 1, 1959.

CHAPTER 29.

[H. B. 96.]

STATE FLOWER—RHODODENDRON MACROPHYLLUM.
AN ACT relating to the official flower of the state of Washington;
and amending section 1, chapter 18, Laws of 1949 and RCW
1.20.030.

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

SECTION 1. Section 1, chapter 18, Laws of 1949 and RCW 1.20.030 are each amended to read as follows: RCW 1.20.030
amended.

The native evergreen species, *Rhododendron macrophyllum*, is hereby designated as the official flower of the state of Washington. State flower.

Passed the House January 27, 1959.

Passed the Senate February 4, 1959.

Approved by the Governor February 10, 1959.

CHAPTER 30.

[H. B. 22.]

PROSECUTING ATTORNEY—DEPUTIES.

AN ACT relating to prosecuting attorneys, the appointment of deputy prosecuting attorneys, and the appointment of special deputy prosecuting attorneys to assist grand juries, and in trial of certain criminal causes, and declaring an emergency; amending section 6, chapter LV, Laws of 1891 as last amended by section 1, chapter 35, Laws of 1943 and RCW 36.27.040.

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

SECTION 1. Section 6, chapter LV, Laws of 1891 as last amended by section 1, chapter 35, Laws of 1943 and RCW 36.27.040 are each amended to read as follows: RCW 36.27.040
amended.

The prosecuting attorney may appoint one or more deputies who shall have the same power in Appointment
of deputies.

all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys to aid in the investigation or in the presentment of any matters or testimony to a grand jury, and in the trial of any criminal cause arising out of the indictments of a grand jury and such special deputy prosecuting attorneys need not be residents of the county in which such grand jury is convened, but shall be residents of the state of Washington and admitted to practice as attorneys before the courts of this state. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

Emergency.

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 12, 1959.

Passed the Senate February 11, 1959.

Approved by the Governor February 18, 1959.

CHAPTER 31.

[H. B. 123.]

STATE RESIDENTIAL SCHOOLS.

AN ACT relating to the department of institutions; providing for the establishment of two state residential schools for mentally deficient persons and amending section 72.33.030, chapter 28, Laws of 1959 and RCW 72.33.030.

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

SECTION 1. Section 72.33.030, chapter 28, Laws of 1959 and RCW 72.33.030 are each amended to read as follows:

RCW 72.33.030.
amended.

There are hereby permanently established the following state schools for the care of the persons herein provided to be served: Lakeland Village, located at Medical Lake, Spokane county, Washington, Rainier School, located at Buckley, Pierce county, Washington, Yakima Valley School, located at Selah, Yakima county, Washington and Fircrest School, located at Seattle, King county, Washington.

State schools
established.

Passed the House January 28, 1959.

Passed the Senate February 11, 1959.

Approved by the Governor February 18, 1959.

CHAPTER 32.

[S. B. 2.]

BOARD OF PRISON TERMS AND PAROLES.

AN ACT relating to the board of prison terms and paroles; amending section 9, chapter 340, Laws of 1955 and RCW 43.67.020; amending section 10, chapter 340, Laws of 1955 and RCW 43.67.030; adding a new section to chapter 43.67 RCW, and declaring an emergency.

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

RCW 43.67.020 amended.

SECTION 1. Section 9, chapter 340, Laws of 1955 and RCW 43.67.020 are each amended to read as follows:

Appointment of members—Qualifications—Salaries—Employees.

The board of prison terms and paroles shall consist of a chairman and four other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his successor is appointed and qualified. The terms shall be staggered so that the term of one member will expire on April 15th of each year: *Provided*, That the terms of board members serving on the day next preceding the effective date of this amendatory act shall expire on April 15th six years following their commencement and the first terms of the two positions added by this amendatory act shall expire one on April 15, 1960 and the other on April 15, 1962. 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 inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the 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 or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board of prison terms and paroles shall each severally receive salaries, payable in monthly installments, as may be fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition thereto, their necessary expenses actually incurred in the discharge of their official duties.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

SEC. 2. Section 10, chapter 340, Laws of 1955 and RCW 43.67.030 are each amended to read as follows:

RCW 43.67.030
amended.

The board of prison terms and paroles shall meet at the penitentiary and the reformatory at such times as 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.

Meetings—
Quorum.

The superintendent of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties.

SEC. 3. There is added to chapter 43.67 RCW a new section to read as follows:

New section.

The board of prison terms and paroles may meet and transact business in panels. Each board panel

Board panels,
use of.

shall consist of at least two members of the board. In all matters concerning the internal affairs of the board and policy making decisions, a majority of the full board must concur in such matters. The chairman of the board with the consent of a majority of the board may designate any two members to exercise all the powers and duties of the board in connection with any hearing before the board. If the two members so designated cannot unanimously agree as to the disposition of the hearing assigned to them, such hearing shall not be reheard by the full board. All actions of the full board shall be by concurrence of not less than three members.

Emergency.

SEC. 4. 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 instituitons, and shall take effect immediately.

Passed the Senate January 29, 1959.

Passed the House February 13, 1959.

Approved by the Governor February 18, 1959.

CHAPTER 33.

[S. B. 3.]

CHAPLAINS AT PUBLIC INSTITUTIONS.

AN ACT relating to the department of institutions; providing for the appointment of chaplains at state custodial, correctional and mental institutions; and amending section 72.01-.210, chapter 28, Laws of 1959 and RCW 72.01.210.

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

RCW 72.01.210
amended.

SECTION 1. Section 72.01.210, chapter 28, Laws of 1959 and RCW 72.01.210 are each amended to read as follows:

Institutional
chaplains—
Appointment.

The director is hereby directed and empowered to appoint not more than three, nor less than one chaplain for the state penitentiary; not more than

two, nor less than one chaplain for the state reformatory; and one chaplain each for Green Hill school and Maple Lane school, and one chaplain, or more chaplains as may be approved by the director for other custodial, correctional and mental institutions. The chaplains so appointed shall have the qualifications, and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Passed the Senate January 27, 1959.

Passed the House February 13, 1959.

Approved by the Governor February 18, 1959.

CHAPTER 34.

[S. B. 4.]

SOUTHWEST WASHINGTON FAIR COMMISSION.

AN ACT relating to the southwest Washington fair; amending section 3, chapter 47, Laws of 1913 and RCW 36.90.020; and adding two new sections to chapter 47, Laws of 1913 and to chapter 36.90 RCW.

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

SECTION 1. Section 3, chapter 47, Laws of 1913 and RCW 36.90.020 are each amended to read as follows:

The southwest Washington fair commission shall be composed of, as ex officio members thereof, by virtue of their office, the members of the board of county commissioners of Lewis county and the chairman of the board of county commissioners of Thurston, Cowlitz, Wahkiakum, Pacific, Grays Harbor and such other counties, or so many of said counties, as evidenced by formal resolution of the respective boards of county commissioners thereof,

RCW 36.90.020 amended.

Fair commission created.

as desire to participate in the fair or exhibition or other event held on such grounds.

New section.

SEC. 2. There is added to chapter 47, Laws of 1913 and to chapter 36.90 RCW a new section to read as follows:

Acquisition,
use, disposal,
of real prop-
erty author-
ized.

The southwest Washington fair commission may acquire by gift, exchange, devise, lease, or purchase, real property situated in any member county, and may construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining the southwest Washington fair. For the purposes of this section donations and appropriations made by member counties under the provisions of RCW 36.90.040 may be used, and in addition, member counties may lease, sell, or donate property to the southwest Washington fair commission or exchange property for property of the southwest Washington fair commission or of a member county. Property of the southwest Washington fair commission deemed surplus by the commission may be (1) sold at private sale after notice in a local publication of general circulation, or (2) exchanged by the commission for other property after notice in a local publication of general circulation.

New section.

SEC. 3. There is added to chapter 47, Laws of 1913 and to chapter 36.90 RCW a new section to read as follows:

Agency for
management
of property
authorized.

The county commissioners of each county in which property of the southwest Washington fair commission is situated or any person, firm or corporation may be designated by the commission as agent of the commission, and may manage and maintain the commission's property within the county during periods of time the commission is not actively engaged in the preparation for or operation of the southwest Washington fair: *Provided*, That the use of such property shall at all times be first

approved by the commission and subject to such conditions as the commission deems necessary.

Passed the Senate January 27, 1959.

Passed the House February 13, 1959.

Approved by the Governor February 18, 1959.

CHAPTER 35.

[H. B. 492.]

APPROPRIATION—LEGISLATIVE ROLL CALL MACHINE.

AN ACT making an appropriation from the capitol building construction account of the general fund for purchase of electric roll call machine; and declaring an emergency.

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

SECTION 1. There is hereby appropriated from Appropriation.
the capitol building construction account of the general fund the sum of forty-one thousand five hundred eighty dollars for the purpose of paying the balance due on the purchase price of the electric roll call machine which is permanently installed in the house of representatives chamber.

SEC. 2. This act is necessary for the immediate Emergency.
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 10, 1959.

Passed the Senate February 18, 1959.

Approved by the Governor February 20, 1959.

CHAPTER 36.

[H. B. 328.]

DEFICIENCY APPROPRIATIONS.

AN ACT making appropriations to defray anticipated deficiencies in appropriations for the fiscal biennium July 1, 1957 to June 30, 1959 or in previous fiscal biennia or so much thereof as shall be sufficient for the agencies and other purposes specified, appropriating an amount from the general fund for transfer to the capitol building construction account of the general fund, and declaring that this act shall take effect immediately.

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

Agency defined.

SECTION 1. The word agency used in this act shall mean and include every state government office, officer, each institution, whether educational, correctional or others and every department, division, board and commission.

Appropriations, deficiency.

SEC. 2. There is hereby appropriated, or so much thereof as may be necessary, out of the funds hereinafter named to the agencies and other purposes specified for the purpose of defraying deficiencies incurred in previous biennia or occurring or to be incurred in the biennium July 1, 1957 to June 30, 1959 the following:

FOR BOND RETIREMENT AND INTEREST.

Highway Bond Retirement Fund Appropriation...	\$2,722,736
Public Schools Building Bond Redemption Fund of 1955 Appropriation	\$661,625
World Fair Bond Redemption Fund Appropriation..	\$1,079,875

FOR JUDGES' RETIREMENT.

General Fund Appropriation..... \$32,018

INSURANCE COMMISSIONER.

General Fund Appropriation..... \$109

DEPARTMENT OF PUBLIC ASSISTANCE.

General Fund Appropriation.....\$25,592,066

WESTERN WASHINGTON COLLEGE OF EDUCATION.

General Fund Appropriation..... \$30,000

DEPARTMENT OF HIGHWAYS.

Motor Vehicle Fund Appropriation\$11,467,917

DEPARTMENT OF HEALTH.

General Fund Appropriation..... \$10,616

DEPARTMENT OF PUBLIC ASSISTANCE.

General Fund Appropriation

For medical care services King County Hospital System \$140,000
For medical care services Clark County Hospital \$95,525

SEC. 3. There is appropriated from the general fund the sum of forty-one thousand five hundred eighty dollars for transfer to the capitol building construction account of the general fund for payment of the appropriation made in Chapter 35, Laws of 1959, for final payment on purchase of electric roll call machine installed in the house of representatives chamber. Appropriation.

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

Passed the House February 23, 1959.

Passed the Senate February 21, 1959.

Approved by the Governor February 23, 1959.

CHAPTER 37.

[H. B. 218.]

TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to teachers' retirement system; amending section 54, chapter 80, Laws of 1947, as amended by section 27, chapter 274, Laws of 1955, and RCW 41.32.540; amending section 55, chapter 80, Laws of 1947, as amended by section 28, chapter 274, Laws of 1955, and RCW 41.32.550; amending section 57, chapter 80, Laws of 1947, as amended by section 30, chapter 274, Laws of 1955, and RCW 41.32.570; and providing an effective date.

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

SECTION 1. Section 54, chapter 80, Laws of 1947, as amended by section 27, chapter 274, Laws of 1955, RCW 41.32.540 amended.

and RCW 41.32.540 are each amended to read as follows:

Disability
allowance—
Temporary.

Upon application of a member in service or of his employer any member may be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. Any member receiving a temporary disability allowance or whose application for a temporary disability allowance is approved after the effective date of this act shall receive a temporary disability allowance of one hundred dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days.

RCW 41.32.550
amended.

SEC. 2. Section 55, chapter 80, Laws of 1947, as amended by section 28, chapter 274, Laws of 1955, and RCW 41.32.550 are each amended to read as follows:

Disability
allowance—
Permanent.

Should the board determine from the report of the medical director at the end of a two year disability period that a member's disability will continue, a member who had fifteen years or more of service credit when first granted the temporary disability allowance shall have the option of then receiving all accumulated contributions in a lump sum payment and canceling his membership, or of accepting a retirement allowance because of disability. If the member elects to receive a retirement allowance because of disability he shall be paid an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension which shall be the actuarial equivalent of the pension to which he would be entitled at age sixty according to his years of service credit, but in no event shall the total allowance for disability be less than seventy-five dollars per month. If the

member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

SEC. 3. Section 57, chapter 80, Laws of 1947, as amended by section 30, chapter 274, Laws of 1955, and RCW 41.32.570 are each amended to read as follows: RCW 41.32.570 amended.

Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *Provided*, That service may be rendered up to forty-five days per school year without reduction of pension. Suspension of pension payments.

SEC. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 5. This act shall take effect on July 1, 1959. Effective date.

Passed the House February 9, 1959.

Passed the Senate February 18, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 38.

[Sub. H. B. 41.]

MOTOR VEHICLE OWNERS AND OPERATORS
—FINANCIAL RESPONSIBILITY.

AN ACT relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; amending section 8, chapter 158, Laws of 1939, section 2, chapter 122, Laws of 1941 and RCW 46.24.030 and 46.24.040; amending section 23, chapter 158, Laws of 1939 and RCW 46.24.100; amending section 11, chapter 158, Laws of 1939 and RCW 46.24.210; amending section 1-31a, chapter 211, Laws of 1949 and RCW 46.28.010; amending section 1-31b, chapter 211, Laws of 1949 and RCW 46.28.020; amending section 1-31c, chapter 211, Laws of 1949 and RCW 46.28.030; amending section 1-31d, chapter 211, Laws of 1949 and RCW 46.28.040; amending section 1-31e, chapter 211, Laws of 1949 and RCW 46.28.050; amending section 1-31h, chapter 211, Laws of 1949 and RCW 46.28.080; amending section 1-31i, chapter 211, Laws of 1949 and RCW 46.28.090; adding a new section to chapter 211, Laws of 1949 and to chapter 46.28 RCW; and amending section 14, chapter 122, Laws of 1941 and RCW 46.24.270; and providing penalties.

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

SECTION 1. Section 8, chapter 158, Laws of 1939, section 2, chapter 122, Laws of 1941 (heretofore divided and codified as RCW 46.24.030 and 46.24.040) are divided and amended as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 46.24.030) The motor vehicle operator's license of a person shall be suspended forthwith without notice or hearing by the director whenever such person by final order or judgment has been convicted of, or has pleaded guilty to, or has forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any offense committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require

RCW 46.24.030
enacted
without
amendment.

suspension or revocation of the licenses of such person in this state.

SEC. 3. (RCW 46.24.040) The operator's license shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person, including a person not previously licensed, who by final order or judgment has been convicted of, pleaded guilty to, or forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any such offense or for operating a motor vehicle upon the public highways without being licensed to do so, until he gives proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use, or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least ten thousand dollars, and, subject to the aforesaid limit for any one person injured or killed, of a least twenty thousand dollars for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least five thousand dollars resulting from any one accident.

RCW 46.24.040 amended.
Period of suspension—Proof of ability to respond in damages.

SEC. 4. Section 23, chapter 158, Laws of 1939 and RCW 46.24.100 are each amended to read as follows:

RCW 46.24.100 amended.
Motor vehicle liability or operator's policy—Requirements.

A motor vehicle liability policy as that term is used in this chapter means a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

(1) It shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) It shall insure the person named therein and any other person using or responsible for the use of

Motor vehicle liability or operator's policy—Requirements.

the motor vehicle or motor vehicles with the express or implied permission of the insured.

(3) It shall insure every such person on account of the maintenance, use, or operation of such motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use, or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of ten thousand dollars for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars for damage to property of others as a result of any one accident.

When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon him under any workmen's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions, or stipulations not in conflict with the provisions of this chapter and not otherwise contrary to law.

Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

The director may accept several policies of one or more such carriers which together meet the requirements of this section.

Any binder pending the issuance of a policy, which binder contains or by reference includes the provisions hereof, shall be sufficient proof of ability to respond in damages.

SEC. 5. Section 11, chapter 158, Laws of 1939 and RCW 46.24.210 are each amended to read as follows:

RCW 46.24.210 amended.

Every judgment herein referred to shall, for the purposes of this chapter, be deemed satisfied:

Judgment deemed satisfied, when.

(1) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to such limit of ten thousand dollars as to one person, the sum of twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

(3) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of one hundred dollars as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess thereof only for the purpose of this chapter.

SEC. 6. Section 1-31a, chapter 211, Laws of 1949 and RCW 46.28.010 are each amended to read as follows:

RCW 46.28.010 amended.

(1) The operator of any motor vehicle involved in an accident within this state, in which any person

Report of
accident
required.

is injured seriously enough to require medical attention by a doctor or in which any one person's property, including himself, sustains damage in excess of two hundred dollars, shall within ten days after such accident report the matter in writing to the director. The form of such report shall be prescribed by the director, shall require facts to enable the director to determine whether the requirements for deposit of security under RCW 46.28.020 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter, and shall call for such additional information as may reasonably be required by the director for the administration of this chapter. If the operator is physically incapable of making the report, then the report shall be made by the owner of the motor vehicle, if other than the operator, within ten days after such owner learns of such accident; or, if the operator is also the owner of such motor vehicle, the report shall be made by the operator within ten days after the operator becomes physically capable of making the report or of directing others to make the report on his behalf. The operator and the owner shall each furnish such additional relevant information as the director may require.

(2) In addition to any other penalty provided by this chapter, the director shall suspend the operator's license or any nonresident's operating privilege of any person who fails to make the report of accident as herein required, such suspension to continue until the report has been made and all other provisions of this chapter and of chapter 46.24 have been fully complied with.

RCW 46.28.020
amended.

SEC. 7. Section 1-31b, chapter 211, Laws of 1949 and RCW 46.28.020 are each amended to read as follows:

Within thirty days after receipt of a report of such an accident the director shall determine, with

respect to both the operator and the owner of each motor vehicle involved in the accident and reported upon, except as to persons exempt from the requirement of security under this chapter, the amount of security sufficient, in his judgment, but within the limits prescribed in this chapter, to satisfy all judgments for damages resulting from such accident as may be recovered against such operator or owner or both. Upon making such determination the director shall in writing forthwith notify each such operator and owner of the security so required. If within thirty days after the date of mailing of notice by the director of the requirement of security such operator or owner has not deposited with the director the kind and amount of security so required, and except as provided in RCW 46.28.030 and 46.28.040, the director shall forthwith suspend the operator's license or nonresident's operating permit of such operator or owner. Not less than ten days prior to the effective date thereof the director shall mail notice of such suspension to such operator or owner at his last address of record with the director.

Security required following accident—Suspension for failure to deposit security.

SEC. 8. Section 1-31c, chapter 211, Laws of 1949 and RCW 46.28.030 are each amended to read as follows:

RCW 46.28.030 amended.

The requirements as to security and suspension in RCW 46.28.020 shall not apply:

Exceptions as to requirement of security and suspension—Circumstances of accident.

(1) To the operator or owner of a motor vehicle involved in such an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(2) To the operator or owner of a motor vehicle if at the time of the accident the vehicle was parked, unless the director determines that any such parking was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by law and that such violation contributed to the accident.

(3) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission.

RCW 46.28.040 amended.

SEC. 9. Section 1-31d, chapter 211, Laws of 1949 and RCW 46.28.040 are each amended to read as follows:

Exceptions as to requirement of security and suspension— Existing security or settlement.

(1) The requirements as to security and suspension in RCW 46.28.020 shall further not apply to:

(a) Any operator or owner if such owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in such accident.

(b) Any operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

(c) Any operator or owner if the liability of such operator or owner for damages resulting from the accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond.

(d) Any person qualifying as a self-insurer under this chapter, nor to any person operating a motor vehicle for such self-insurer.

(e) Any operator or owner if such operator or owner was at the time of the accident in good faith entitled to but unable, solely because of his race or color, to procure an automobile liability policy through ordinary methods without rate modification.

(2) The requirements as to security and suspension in RCW 46.28.020 shall further not apply if, prior to the date that the director would otherwise suspend such license or operating privilege under this chapter, there is filed with the director evidence satisfactory to him that the person who otherwise

would have to file security has been released from liability or been adjudicated not to be liable or has executed a confession of judgment payable when and in such installments as the parties have agreed to, or has executed and acknowledged a written agreement providing for the payment of an agreed amount in installments, all with respect to all claims for injuries or damages resulting from the accident.

SEC. 10. Section 1-31e, chapter 211, Laws of 1949 and RCW 46.28.050 are each amended to read as follows:

RCW 46.28.050 amended.

No insurance policy or bond shall be deemed effective under RCW 46.28.040 unless such policy or bond:

Qualifications of insurance policy or bond.

(1) Is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in damage to or destruction of property, to a limit of not less than five thousand dollars because of damage to or destruction of property of others in any one accident.

(2) Is issued by an insurer authorized to transact such insurance in this state; or

(3) If such motor vehicle was not registered in this state, or was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, was issued by an insurer which, if not authorized to transact insurance in this state, has executed and filed with the director its power of attorney authorizing the director to accept service on its behalf of notice of process in any action upon such policy or bond arising out of such accident.

RCW 46.28.080 amended.

SEC. 11. Section 1-31h, chapter 211, Laws of 1949 and RCW 46.28.080 are each amended to read as follows:

Application to nonresidents and unlicensed operators.

If the operator of a motor vehicle involved in an accident within this state had no operator's license or nonresident's operating privilege, the director shall not allow him such a license or privilege until the operator has complied with the requirements of this chapter in the same manner as would be necessary if, at the time of the accident, he had held such a license or privilege.

Any accident or offense committed in another state by a resident of this state which, if committed in this state, would subject the person to the provisions of this chapter, shall subject such person to the provisions of this chapter in all respects as if such accident or offense had been committed in this state.

RCW 46.28.090 amended.

SEC. 12. Section 1-31i, chapter 211, Laws of 1949 and RCW 46.28.090 are each amended to read as follows:

Form and amount of security.

(1) The security required under RCW 46.28.020 shall be in such form and in such amount as the director may require, but in no case shall such security exceed ten thousand dollars for injury or death of any one person, nor, subject to such limit as to any one person, be in excess of twenty thousand dollars for injury or death of all persons caused by any one accident, nor be in excess of five thousand dollars for all damages to property caused by one accident.

(2) The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made. At any time while such deposit is in the custody of the director the person so depositing may, in writing, amend such specification to include an additional person or persons.

(3) A single deposit of security shall relate only to one accident and may be on behalf only of a person or persons who may be liable by reason of the acts or negligence of the operator and owner of any motor vehicle involved in such accident.

SEC. 13. There is added to chapter 211, Laws of 1949, and to chapter 46.28 RCW a new section to read as follows: New section.

Any person who has or may have his operator's license suspended or revoked as herein provided and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with the director a verified petition together with a fee for ten dollars setting forth in detail his need for operating a motor vehicle. Thereupon if petitioner gives proof of his ability to respond in damages for any liability thereafter incurred as provided for in section 3 hereof the director may issue an occupational operator's license to such person. Such occupational operator's license shall be subject to the same restrictions and conditions as those set forth under the provisions of RCW 46.20.390. Occupational operator's license authorized.

SEC. 14. Chapter 122, Laws of 1941 and RCW 46.24.270 are amended to read as follows: RCW 46.28.270 amended.

Any person whose operator's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of new license is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or, in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed Penalty for operating without giving proof.

in addition thereto a fine of not more than five hundred dollars.

Passed the House February 20, 1959.

Passed the Senate February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 39.

[S. B. 9.]

STATE INSTITUTIONS—QUARTERS FOR PERSONNEL—
MAPLE LANE EMPLOYEES.

AN ACT relating to state institutions; amending section 72.20.020, chapter 28, Laws of 1959 and RCW 72.20.020; amending section 72.20.040, chapter 28, Laws of 1959 and RCW 72.20.040; and amending section 72.01.280, chapter 28, Laws of 1959 and RCW 72.01.280.

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

RCW 72.20.020
amended.

SECTION 1. Section 72.20.020, chapter 28, Laws of 1959 and RCW 72.20.020 are each amended to read as follows:

Management—
Superinten-
dent.

The government, control and business management of such school shall be vested in the director. The director shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as the director may deem just and proper, not inconsistent with this chapter.

RCW 72.20.040
amended.

SEC. 2. Section 72.20.040, chapter 28, Laws of 1959 and RCW 72.20.040 are each amended to read as follows:

Duties of
superinten-
dent.

The superintendent, subject to the direction and approval of the director shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the director, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates.

(3) Exercise such other powers, and perform such other duties as the director may prescribe.

SEC. 3. Section 72.01.280, chapter 28, Laws of 1959 and RCW 72.01.280 are each amended to read as follows:

RCW 72.01.280
amended.

The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the director may, when in his opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his control. The words "family" or "families" used in this section shall be construed to mean only the spouse and dependent children of an officer. Employees may be furnished with quarters and board for themselves. The director shall charge and collect from such officers and employees the full cost of the items so furnished, including an appropriate charge for depreciation of capital items.

Quarters for
personnel—
Charges.

Passed the Senate February 19, 1959.

Passed the House February 18, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 40.

[S. B. 145.]

PENAL INSTITUTIONS — LEAVES OF
ABSENCE FOR INMATES.

AN ACT relating to the department of institutions, providing for authority in the superintendents of the state penitentiary, state reformatory, the state honor camps, and such other penal institutions as may hereafter be established to grant leaves of absence to inmates, under certain conditions, and authorizing the department of institutions to promulgate rules and regulations, and adding two new sections to chapter 28, Laws of 1959 and to chapter 72.04 RCW.

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

New section.

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

Leaves of absence authorized.

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the director of the department of institutions, grant leaves of absence to inmates confined in such institutions to:

- (1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;
- (2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;
- (3) Participate in athletic contests, and;
- (4) Perform labor in connection with the industrial or agricultural programs of such institutions.

New section.

SEC. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

Rules and regulations regarding leaves.

The director of the department of institutions is authorized to make rules and regulations providing for the conditions under which inmates will be granted leaves of absence, and providing for safeguards to prevent escapes while on leave of ab-

sence: *Provided*, That leaves of absence granted to inmates under section 1 hereof shall not allow or permit any inmate to go beyond the boundaries of this state. The director of the department of institutions shall also make rules and regulations requiring the reimbursement of the state from the inmate granted leave of absence, or his family, for the actual costs incurred arising from any leave of absence granted under the authority of section 1, subsections (1) and (2): *Provided further*, That no state funds shall be expended in connection with leaves of absence granted under section 1, subsections (1) and (2), unless such inmate and his immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

Passed the Senate February 19, 1959.

Passed the House February 18, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 41.

[S. B. 74.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 32.08.150, chapter 13, Laws of 1955 as amended by section 1, chapter 14, Laws of 1959, and RCW 32.08.150; amending section 32.12.010, chapter 13, Laws of 1955 as amended by section 4, chapter 80, Laws of 1957, and RCW 32.12.010; amending section 32.12.020, chapter 13, Laws of 1955, and RCW 32.12.020; amending section 32.20.250, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of 1955, and RCW 32.20.250; amending section 32.20.270, chapter 13, Laws of 1955, and RCW 32.20.270; and amending chapter 13, Laws of 1955, and chapter 32.20 RCW by adding thereto a new section.

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

SECTION 1. Section 32.08.150, chapter 13, Laws of 1955 as amended by section 1, chapter 14, Laws of

RCW 32.08.150
amended.

1959, and RCW 32.08.150 are each amended to read as follows:

Merchandising
—Exchange of
—Certificates
of deposit.

(1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such bank shall not make or issue any certificate of deposit payable either on demand or at a fixed day.

RCW 32.12.010
amended.

SEC. 2. Section 32.12.010, chapter 13, Laws of 1955 as amended by section 4, chapter 80, Laws of 1957, and RCW 32.12.010 are each amended to read as follows:

Limitation
of deposits.

When the aggregate amount of deposits, dividends and interest to the credit of any depositor in the same capacity and the same right is fifteen thousand dollars or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or interest or by the consolidation of savings banks having common depositors, or may be further increased to the fullest extent that any such further increase is insured by the United States government, or any agency thereof, including the Federal Deposit Insurance Corporation.

Deposits in a different capacity or different right include the following:

(1) Deposits in the name of the depositor and another or others in joint form with right of survivorship: *Provided*, That the aggregate in all such accounts on which all of such joint depositors are the same shall be deemed to be held in the same capacity and the same right.

(2) Deposits in the name of the depositor as trustee for another under a voluntary and revocable trust: *Provided*, That the aggregate in all such accounts on which the beneficiaries are the same shall

be deemed to be held in the same capacity and the same right.

(3) Deposits in the name of the depositor and another in joint form with right of survivorship as trustee for another under a voluntary and revocable trust: *Provided*, That the aggregate in all such accounts on which all of the trustees and all of the beneficiaries are the same shall be deemed to be held in the same capacity and the same right.

(4) Deposits in the name of, or on behalf of, a partnership or other form of multiple ownership enterprise.

(5) Deposits in the name of a corporation, society, or unincorporated association.

(6) Deposits maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will or trust agreement.

(7) Deposits designated as community property of a marital community, whether in the name of either or both of the members of the community.

(8) Deposits designated as separate property of the depositor.

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

SEC. 3. Section 32.12.020, chapter 13, Laws of 1955, and RCW 32.12.020 are each amended to read as follows:

RCW 32.12.020 amended.

The sums deposited with any savings bank, together with any dividends or interest 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 un-

Repayment of deposits or dividends.

Repayment of
deposits or
dividends.

der such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and RCW 32.12.030. 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.

(2) Except as provided in subdivisions (3) and (4) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the passbook of the depositor is produced, and the proper entry is made therein at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws 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 supervisor 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) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been 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 was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

SEC. 4. Section 32.20.250, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of 1955, and RCW 32.20.250 are each amended to read as follows:

RCW 32.20.250
amended.

Real estate mortgages.

A mutual savings bank may invest not to exceed seventy percent 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

(1) 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

(2) A policy of title insurance; or

(3) 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.

No loan on real estate shall be for an amount greater than two-thirds of the value of such real estate, including improvements, except that in the case of property improved with a single family occupancy detached dwelling that is occupied by the owner, not more than two years old, such loan may be for an amount not greater than seventy-five percent of the first twenty thousand dollars of value and fifty percent of the remainder of the value of such real estate, including improvements; and in the event such savings bank obtains, as additional col-

lateral, 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 percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent 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 percent 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 or its agent or trustee and to be payable to the savings bank in event of loss: *Provided*, That the savings bank may, at its option, forego insurance in either of the following cases:

- (1) A loan upon agricultural land, or
- (2) 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 qualify under this section.

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 nondelinquent 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.

RCW 32.20.270 amended.

SEC. 5. Section 32.20.270, chapter 13, Laws of 1955, and RCW 32.20.270 are each amended to read as follows:

First mortgages upon leaseholds.

A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest 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

First mortgages upon leaseholds.

(1) 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 upon the leasehold estate; or

(2) A policy of title insurance; or

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

The leasehold estate subject to such mortgage must be an interest in real estate in a city which has a population in excess of one hundred thousand according to the latest decennial federal census.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the 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 upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold 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

First mortgages upon leaseholds.

county auditor of the county in which the property under lease is situated.

No mutual savings bank shall loan upon a leasehold interest in real estate unless,

(1) The lease contains a provision requiring the feeholder or his successors in interest to notify, in writing, the holder of any mortgage on the leasehold estate of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs and unless the lease also provides that in the event of default of the lessee in the performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the holder of the mortgage on the leasehold estate has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease, or

(2) In the event the lease does not contain the provisions above described, the savings bank, prior to such loan, has obtained an agreement from the owner of the feehold to notify the savings bank of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs, and that in event of default of the lessee in performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the savings bank has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease. Such agreement shall be signed by the owner of the feehold estate and by all other persons or corporations holding a mortgage or other interest in the feehold estate, and shall be in such form as to bind their successors in interest, and shall be immediately recorded in the office of the county auditor of the county in which the property is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of ten years, or in any case where the lease is to expire in less than twenty years, nor upon a leasehold interest where the lease has run less than five years at the date of making or purchasing the loan.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least ten years prior to the expiration of the lease.

Whenever used in this section the words "annual gross income" of the leasehold estate shall mean the sum remaining after deducting all of the expenses of operation, repairs, maintenance, cost of management, taxes, assessments and insurance premiums, for a given year, from the gross revenue of that year.

"Annual gross income."

Whenever used in this section the words "minimum gross income" shall be the least annual gross income, as above defined, actually obtained during the three-year period preceding the date of the loan.

"Minimum gross income."

Whenever used in this section the words "standard annual rental" shall mean the maximum rental to be paid under the lease during the life of the loan and for a period ending three years after the maturity of the loan. In event the rental during the life of the loan, and including a period ending three years after the maturity of the loan, is uniform, then such uniform rental shall be the standard annual rental.

"Standard annual rental."

Whenever used in this section the words "standard net income" shall mean the remainder obtained by deducting the standard annual rental from the minimum annual gross income as above defined.

"Standard net income."

Whenever used in this section the words "appraised value of the leasehold estate" shall mean the sum obtained by a summation of the present values

"Appraised value of the leasehold estate."

of a series of annual payments each equal in amount to the standard net income for the unexpired period of the leasehold estate. In the calculation of present value of future income such income shall be subjected to compound discount at a rate not less than eight percent per annum.

No savings bank shall make any loan upon a leasehold estate unless the standard net income thereof as above defined shall be equal to or greater than the standard annual rental.

In event the standard net income is greater than, but less than twice, the standard annual rental, the savings bank may loan not to exceed thirty-five percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than twice but less than four times the standard annual rental, the savings bank may loan not to exceed forty percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than four times but less than eight times the standard annual rental, the savings bank may loan not to exceed forty-five percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than eight times the standard annual rental, the savings bank may loan not to exceed fifty percent of the appraised value of the leasehold estate as defined herein.

The total amount which a mutual savings bank may invest in contracts for the sale of realty, mortgages upon real estate and participations therein, and mortgages upon leasehold estates shall not exceed seventy percent of its funds.

New section.

SEC. 6. There is added to chapter 13, Laws of 1955, and to chapter 32.20 RCW, a new section to read as follows:

A mutual savings bank may invest its funds in bonds or other interest-bearing obligations of corporations not otherwise eligible for investment by the savings bank which are prudent investments for such bank in the opinion of its board of trustees or of a committee thereof whose action is ratified by such board at its regular meeting next following such investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves, or five percent of its deposits, whichever is less.

Corporate bonds and other interest bearing obligations.

Passed the Senate February 3, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 42.

[S. B. 75.]

MOTOR VEHICLES—PASSING ON RIGHT.

AN ACT relating to motor vehicles and the operation thereof upon the public highways of this state; and amending section 78, chapter 189, Laws of 1937 as amended by section 1, chapter 96, Laws of 1957 and RCW 46.60.050.

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

SECTION 1. Section 78, chapter 189, Laws of 1937 as amended by section 1, chapter 96, Laws of 1957 and RCW 46.60.050 are each amended to read as follows:

RCW 46.60.050 amended.

(1) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

When overtaking vehicle may pass to the right.

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of suf-

ficient width for two or more lanes of moving vehicles in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.

(2) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

Passed the Senate February 4, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 43.

[S. B. 148.]

EXECUTORS AND ADMINISTRATORS.

AN ACT relating to executors and administrators; and amending section 87, chapter 156, Laws of 1917 and RCW 11.36.010.

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

SECTION 1. Section 87, chapter 156, Laws of 1917 and RCW 11.36.010 are each amended to read as follows:

The following persons are not qualified to act as executors or administrators: Corporations, minors, persons of unsound mind, or who have been convicted of any felony or of a misdemeanor involving moral turpitude: *Provided*, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as administrators or guardians of the estate of minors or other incompetents upon petition of any person

RCW 11.36.010 amended.

Parties disqualified—
Result of disqualification after appointment.

having a preference right to such appointment and may act as executors or guardians when so appointed by will. But no trust company or national bank shall be entitled to qualify as such executor or guardian under any will hereafter drawn by it, or its agents or employees, and no salaried attorney of any such company shall be allowed any attorney fee for probating any such will, or in relation to the administration or settlement of any such estate, and no part of any attorney fee shall inure, directly or indirectly, to the benefit of any trust company or national bank. And when any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind, or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters: *Provided*, A nonresident may be appointed to act as executor or administrator: *Provided further*, That such nonresident executor or administrator shall file a bond to be approved by the court and appoint an agent or attorney in the county where such estate is being probated, upon whom service of all papers may be made; such appointment to be in writing and filed by the clerk with other papers of such estate.

Passed the Senate January 30, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 44.

[S. B. 185.]

MOTOR VEHICLES—CROSSING HIGHWAY
DIVIDERS OR BARRIERS.

AN ACT relating to the operation of vehicles on public highways
and amending section 1, chapter 146, Laws of 1955 and RCW
46.60.020.

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

RCW 46.60.020
amended.

SECTION 1. Section 1, chapter 146, Laws of 1955
and RCW 46.60.020 are each amended to read as
follows:

Divided
highways.

Whenever any highway has been divided into
two roadways for travel in opposite directions by
leaving an intervening space or by a physical barrier
or clearly indicated dividing section or by two
parallel barrier stripes four inches or more apart so
installed as to control vehicular traffic, every vehicle
shall be driven only upon the right hand roadway
and no vehicle shall be driven over, across or within
any such dividing space, barrier or section, or barrier
stripes, except through an opening in such physical
barrier or dividing section or space, or barrier stripes,
or at a crossover or intersection established by public
authority.

Passed the Senate February 10, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 45.

[S. B. 98.]

METROPOLITAN PARK DISTRICTS.

AN ACT relating to municipal corporations; amending section 1, chapter 264, Laws of 1943 and RCW 35.61.010; and adding three new sections to chapter 264, Laws of 1943 and to chapter 35.61 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 264, Laws of 1943 and RCW 35.61.010 are each amended to read as follows:

RCW 35.61.010 amended.

Cities of the first class and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards: *Provided*, That no municipal corporation of the fourth class shall be included within such metropolitan park district, and any such fourth class municipal corporation heretofore included within such district is hereby automatically withdrawn.

Authority to create.

Fourth class municipalities withdrawn.

SEC. 2. There is added to chapter 264, Laws of 1943 and to chapter 35.61 RCW a new section to read as follows:

New section.

Any and all taxes or assessments levied or assessed against property located in the municipal corporation of the fourth class automatically withdrawn under section 1 of this amendatory act from a metropolitan park district shall remain a lien and be collectible as by law provided when such taxes or assessments are levied or assessed prior to such withdrawal or when such levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the metropolitan park district duly incurred or issued prior to such automatic withdrawal.

Prior levies and assessments collectible.

New section.

SEC. 3. There is added to chapter 264, Laws of 1943 and to chapter 35.61 RCW a new section to read as follows:

Contracts with district upon withdrawal.

Any municipal corporation of the fourth class so withdrawn may, through its legislative authority, authorize contracts with the metropolitan park district from which it was withdrawn with respect to the rights, duties, and obligations of the withdrawn municipal corporation as to the ownership of property, services, assets, liabilities, and debts and any other question arising out of the withdrawal, which contract may also make provisions for services by the district and use of the facilities or real estate within such municipal corporation or park district, and the contract may provide for such distribution of any costs or expenses as may be agreed to by the municipal corporation and the district.

New section.

SEC. 4. There is added to chapter 264, Laws of 1943 and to chapter 35.61 RCW a new section to read as follows:

Disposition of property, eminent domain, upon withdrawal.

The legislative authority of the municipal corporation of the fourth class so withdrawn may (1) negotiate and agree with the commissioners of the metropolitan park district from which it has been withdrawn as to the disposition of any property, real or personal, or of any right, title, or interest therein including the title, price and conveyance thereof, and (2) such municipal corporation shall also have the right of eminent domain in making a final disposition of any question arising, directly or indirectly, out of the withdrawal, such proceedings to be had in the name of the municipal corporation and in the manner prescribed for cities and towns in chapter 8.12 RCW: *Provided*, That nothing herein shall be construed to limit in any way existing powers of the municipal corporation as to condemnation generally.

SEC. 5. This act is necessary for the immediate Emergency.
 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 10, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 26, 1959.

CHAPTER 46.

[S. B. 126.]

DEATH TAXES — ARBITRATION.

AN ACT relating to the settlement of disputes respecting the
 domicile of decedents for death tax purposes.

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

SECTION 1. For the purposes of this act:

(1) "Executor" means an executor of a will or
 administrator of the estate of the decedent, but does
 not include an ancillary administrator nor an ad-
 ministrator with the will annexed if an executor
 named in the will has been appointed and has quali-
 fied in another state.

Definitions.
 "Executor."

(2) "Taxing official" means the state tax com-
 mission and the designated authority of a reciprocal
 state charged with the duty of collecting its death
 taxes.

"Taxing
 official."

(3) "Death tax" means any tax levied by a state
 on account of the transfer or shifting of economic
 benefits in property at death, or in contemplation
 thereof, or intended to take effect in possession or
 enjoyment at or after death, whether denominated
 an "inheritance tax," "transfer tax," "succession
 tax," "estate tax," "death duty," "death dues," or
 otherwise.

"Death tax."

(4) "Interested person" means any person who
 may be entitled to receive or who has received any

"Interested
 person."

property or interest which may be required to be considered in computing the death taxes of any state involved in the dispute.

"State." (5) "State" means the District of Columbia and any state, territory or possession of the United States.

"This state." (6) "This state" means the state of Washington.

"Board." (7) "Board" means board of arbitration.

Procedure to invoke act.

SEC. 2 When the taxing official of this state and the taxing official of one or more other states each claims that his state respectively was the domicile of the decedent for the purpose of death taxes, at any time prior to the commencement within this state of suit or action for determination of the decedent's domicile for death tax purposes, or within sixty days thereafter, the executor or the taxing official of any such state may elect to invoke the provisions of this act. Such executor or taxing official shall send a notice of such election by registered mail, receipt requested, to the taxing official of each such state and to each executor, ancillary administrator, and interested person. Within forty days after the receipt of such notice of election the executor may reject such election by sending a notice of rejection by registered mail, receipt requested, to all persons to whom the notice of election is required to be sent. When an election has been rejected by the executor no further proceedings shall be had under this act. If such election is not rejected within the forty-day period, the dispute in respect of the domicile of the decedent for death tax purposes shall be settled solely as hereinafter in this act provided and no other or additional proceedings to determine or redetermine the domicile of the decedent for death tax purposes shall thereafter be instituted in any court of this state or otherwise.

SEC. 3. In any case in which an election is made and not rejected, as provided in section 2 of this act,

the state tax commission may enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in full payment of any death taxes, together with interest and penalties, which may be due this state, provided the agreement fixes the amount of death taxes with interest and penalties to be paid to the other states involved in the dispute.

Agreement
for amount of
full payment.

SEC. 4. When it appears by the written admission of the executor and the tax official of each state involved in the dispute that an agreement contemplated in section 3 of this act cannot be reached or, in all events, if one year has elapsed from the date of the election without such an agreement having been reached, the domicile of the decedent at the time of his death shall be determined solely for death tax purposes as follows:

Determining
domicile for
death tax
purposes.

(1) When this state and one other state only are involved in the dispute, the state tax commission and the taxing official of the other state shall each appoint a member of a board of arbitration and those members shall appoint the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved in the dispute and each of these authorities shall appoint one member of the board of arbitration. The board shall select one of its members as chairman.

Board of
arbitration.

(2) The board shall hold hearings at such places as it deems necessary, upon reasonable notice to the executor, ancillary administrators, all interested persons and the taxing officials of the states involved, all of whom are entitled to be heard.

Hearings.

(3) The board may administer oaths, take testimony, subpoena witnesses and require their attendance, require the production of books, papers and

Board powers.

documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena of the board may be punished by any court of record in the same manner as if the subpoena had been issued by such court.

Rules of evidence.

(4) Whenever practicable the board shall apply the rules of evidence then prevailing in the federal courts under the federal rules of civil procedure.

Board determination.

(5) The board, by the decision of its majority, shall determine the domicile of the decedent at the time of his death. The decision of the board is final and conclusive and binds this state and all its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes. If the board does not render a decision within one year from the time that it is fully constituted, all authority of the board shall cease and the bar to court proceedings set forth in section 2 of this act shall no longer exist.

Board's authority ceases.

Decision filed.

(6) The decision of the board and the record of its proceeding shall be filed with the authority having jurisdiction to assess death taxes in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess death taxes in each of the other states involved if the decedent had been found to be domiciled therein.

Compensation, expenses, borne by estate.

(7) The reasonable compensation and expenses of the members of the board and its employees shall be agreed upon among such members, the taxing officials involved, and the executor. If such an agreement cannot be reached, the compensation and expenses shall be determined by such taxing officials and, if they cannot agree, by the appropriate probate court of the state determined to be the domicile of the decedent. Such amount so determined shall be

borne by the decedent's estate and shall be deemed an administration expense thereof.

SEC. 5. Notwithstanding the commencement of a legal action for determination of domicile within this state or the commencement of an arbitration proceeding as provided in section 4 of this act, the state tax commission, at any time prior to the conclusion of such action or proceeding, may in any case enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in full payment of any death tax, together with interest and penalties, which may be due this state, provided the agreement fixes the amount of death taxes with interest and penalties to be paid the other states involved in the dispute. Upon the filing of the agreement with the authority which would have jurisdiction to assess the death taxes of this state if the decedent died domiciled in this state, an assessment shall be made as provided in such agreement, and such assessment shall finally and conclusively fix the amount of death taxes due this state. If the aggregate amount payable under such agreement or under an agreement made in accordance with the provisions of section 3 of this act to the states involved in the dispute is less than the minimum credit allowable to the estate against the United States estate tax imposed with respect thereto, the executor forthwith shall also pay to the state tax commission of this state the same percentage of the difference between such aggregate amount of such credit as the amount payable to the state tax commission under such agreement bears to such aggregate amount.

Agreement,
full payment,
after other
proceedings
commenced.

Assessment.

Additional
amounts due.

SEC. 6. When the board of arbitration determines that a decedent died domiciled in this state, interest for nonpayment of the tax during the period commencing with the date of the election and ending

Interest for
nonpayment
if domiciled
in this state.

with the date of the final determination of the board shall be charged and collected in accordance with the provisions of chapter 83.44 RCW then in effect.

Application—
Reciprocity.

SEC. 7. This act shall be applicable only to cases in which each of the states involved in the dispute has in effect therein a reciprocal statute, or has in effect therein a statute empowering one or more of its officials to voluntarily enter into a binding arbitration or compromise agreement respecting disputed liability for death taxes and such an agreement with each of the other states involved in the dispute and the executor is entered into prior to the appointment of the board of arbitration as provided in section 4 of this act. Any procedural conflict between this act and the statute of a reciprocal state involved in the dispute shall be resolved by the decision of the majority of the board. If there is a statutory conflict relating to the number of board members to be selected or the manner of their selection, the appropriate provision of whichever of the conflicting statutes is designated by the executor shall govern and control.

Passed the Senate January 29, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 47.

[S. B. 15.]

PRISONERS—TRANSFERS, DETENTION CONTRACTS.

AN ACT relating to the imprisonment of felons; amending section 72.68.040, chapter 28, Laws of 1959 and RCW 72.68.040; amending section 72.68.050, chapter 28, Laws of 1959 and RCW 72.68.050; amending section 72.68.060, chapter 28, Laws of 1959 and RCW 72.68.060; and amending section 72.68.070, chapter 28, Laws of 1959 and RCW 72.68.070.

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

SECTION 1. Section 72.68.040, chapter 28, Laws of 1959 and RCW 72.68.040 are each amended to read as follows:

RCW 72.68.040 amended.

The director may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in the Washington state penitentiary or Washington state reformatory. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in the Washington state penitentiary or Washington state reformatory may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, or until they are returned to the Washington state penitentiary or Washington state reformatory for further confinement.

Contracts with other agencies for detention.

SEC. 2. Section 72.68.050, chapter 28, Laws of 1959 and RCW 72.68.050 are each amended to read as follows:

RCW 72.68.050 amended.

—Notice of transfer of prisoner.

Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from the penitentiary or the reformatory under RCW 72.68.040 through 72.68.070, the superintendent shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to the penitentiary or the reformatory a notice of transfer, disclosing the name of the prisoner transferred and giving the name and location of the institution to which the prisoner was transferred. The superintendent shall keep a copy of all notices of transfer on file as a public record open to inspection; and the clerk of the court shall file with the judgment roll in the appropriate case a copy of each notice of transfer which he receives from the superintendent.

RCW 72.68.060 amended.

SEC. 3. Section 72.68.060, chapter 28, Laws of 1959 and RCW 72.68.060 are each amended to read as follows:

—Procedure when transferred prisoner's presence required in proceeding.

Should the presence of any prisoner confined, under authority of RCW 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county jail, be required in any judicial proceeding of this state, the superintendent of the penitentiary or the reformatory or his assistants shall, upon being so directed by the director, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the director or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by like order, return such prisoner to the state penitentiary or the state reformatory or the institution from which he was taken.

SEC. 4. Section 72.68.070, chapter 28, Laws of 1959 and RCW 72.68.070 are each amended to read as follows:

RCW 72.68.070 amended.

Upon the expiration of any contract entered into under RCW 72.68.040 through 72.68.070, all prisoners of this state confined in such institution or jail shall be returned by the superintendent or his assistants to the penitentiary or reformatory of this state, or delivered to such other institution as the director has contracted with under RCW 72.68.040 through 72.68.070.

Procedure upon contract expiration.

Passed the Senate February 20, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 48.

[S. B. 46.]

LAW AGAINST DISCRIMINATION—GUIDE DOGS.

AN ACT relating to the law against discrimination; and adding a new section to chapter 49.60 RCW.

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

SECTION 1. There is added to chapter 49.60 RCW a new section to read as follows:

New section.

No blind person shall be refused service in any place of public resort, accommodation, assemblage or amusement solely by reason of the fact that he is accompanied by a guide dog. For the purpose of this act the term "guide dog" shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons.

Discrimination prohibited.

Passed the Senate February 20, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 49.

[S. B. 213.]

MOTOR VEHICLES — TERMS.

AN ACT relating to motor vehicles; amending section 1, chapter 188, Laws of 1937, section 1, chapter 189, Laws of 1937, section 1, chapter 153, Laws of 1943, section 1, chapter 56, Laws of 1951, section 1, chapter 40, Laws of 1953, section 6, chapter 89, Laws of 1955, section 10, chapter 384, Laws of 1955 and RCW 46.04.010 through 46.04.680.

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

RCW 46.04.010-46.04.680 amended.

SECTION 1. Section 1, chapter 188, Laws of 1937, section 1, chapter 189, Laws of 1937, section 1, chapter 153, Laws of 1943, section 1, chapter 56, Laws of 1951, section 1, chapter 40, Laws of 1953, section 6, chapter 89, Laws of 1955, section 10, chapter 384, Laws of 1955 (heretofore divided, combined and codified as RCW 46.04.010 through 46.04.680) are amended to read as set forth in sections 2 through 73 of this act.

RCW 46.04.010. Definitions. Construction.

SEC. 2. (RCW 46.04.010) Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

RCW 46.04.020. "Alley."

SEC. 3. (RCW 46.04.020) "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

SEC. 4. (RCW 46.04.030) "Arterial highway" means every public highway, or portion thereof, designated as such by proper authority.

RCW 46.04.030.
"Arterial
highway."

SEC. 5. (RCW 46.04.040) "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state commission on equipment, or any other vehicle authorized in writing by the state commission on equipment.

RCW 46.04.040.
"Authorized
emergency
vehicle."

SEC. 6. (RCW 46.04.050) "Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns.

RCW 46.04.050.
"Auto stage."

SEC. 7. (RCW 46.04.060) "Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

RCW 46.04.060.
"Axle."

SEC. 8. (RCW 46.04.070) "Bicycle" means every vehicle having a saddle for the use of the rider, operated by human power, and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

RCW 46.04.070.
"Bicycle."

SEC. 9. (RCW 46.04.080) "Business district" means the territory contiguous to and including the public highway when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business.

RCW 46.04.080.
"Business
district."

RCW 46.04.090.
"Cancel."

SEC. 10. (RCW 46.04.090) "Cancel," in all its forms, means the invalidation indefinitely and until successful application, but shall be for a period of not less than one year.

RCW 46.04.100.
"Center line."

SEC. 11. (RCW 46.04.100) "Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway.

RCW 46.04.110.
"Center of intersection."

SEC. 12. (RCW 46.04.110) "Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways.

RCW 46.04.120.
"City street."

SEC. 13. (RCW 46.04.120) "City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys.

RCW 46.04.130.
"Combination of vehicles."

SEC. 14. (RCW 46.04.130) "Combination of vehicles" means every combination of motor vehicle and trailer or motor vehicle and semitrailer the principal use of which is the transportation of commodities, merchandise, produce, freight, or animals.

RCW 46.04.140.
"Commercial vehicle."

SEC. 15. (RCW 46.04.140) "Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

RCW 46.04.150.
"County road."

SEC. 16. (RCW 46.04.150) "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

RCW 46.04.160.
"Crosswalk."

SEC. 17. (RCW 46.04.160) "Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.

RCW 46.04.170.
"Explosives."

SEC. 18. (RCW 46.04.170) "Explosives" means any chemical compound or mechanical mixture that

is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

SEC. 19. (RCW 46.04.180) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. RCW 46.04.180.
"Farm tractor."

SEC. 20. (RCW 46.04.190) "For hire vehicle" means any motor vehicle other than an auto stage used for the transportation of persons for compensation. RCW 46.04.190.
"For hire vehicle."

SEC. 21. (RCW 46.04.200) "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet. RCW 46.04.200.
"Hours of darkness."

SEC. 22. (RCW 46.04.210) "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device. RCW 46.04.210.
"Flammable liquid."

SEC. 23. (RCW 46.04.220) "Intersection area" means the area embraced within the prolongation of the lateral curb lines, or, if there are no curb lines, or, if there are no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another. RCW 46.04.220.
"Intersection area."

SEC. 24. (RCW 46.04.230) "Intersection center marker" means any standard, button, flag, painted RCW 46.04.230.

"Intersection center marker."

or raised marker, or other device located at and intended to designate the approximate center of intersection.

RCW 46.04.240. "Intersection control area."

SEC. 25. (RCW 46.04.240) "Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

RCW 46.04.250. "Intersection entrance marker."

SEC. 26. (RCW 46.04.250) "Intersection entrance marker" means any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto.

RCW 46.04.260. "Laned highway."

SEC. 27. (RCW 46.04.260) "Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic.

RCW 46.04.270. "Legal owner."

SEC. 28. (RCW 46.04.270) "Legal owner" means a mortgagee or owner of the legal title to a vehicle.

RCW 46.04.280. "Local authorities."

SEC. 29. (RCW 46.04.280) "Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state.

RCW 46.04.290. "Marked crosswalk."

SEC. 30. (RCW 46.04.290) "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.

RCW 46.04.300. "Metal tire."

SEC. 31. (RCW 46.04.300) "Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

RCW 46.04.310. "Motor truck."

SEC. 32. (RCW 46.04.310) "Motor truck" means any motor vehicle designed or used for the trans-

portation of commodities, merchandise, produce, freight, or animals.

SEC. 33. (RCW 46.04.320) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

RCW 46.04.320.
"Motor
vehicle."

SEC. 34. (RCW 46.04.330) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

RCW 46.04.330.
"Motorcycle."

SEC. 35. (RCW 46.04.340) "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

RCW 46.04.340.
"Muffler."

SEC. 36. (RCW 46.04.350) "Multiple lane highway" means any public highway the roadway of which is of sufficient width to reasonably accommodate four or more separate lanes of vehicular traffic, two or more lanes in each direction, each lane of which shall be not less than eight feet in width and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking.

RCW 46.04.350.
"Multiple lane
highway."

SEC. 37. (RCW 46.04.360) "Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state.

RCW 46.04.360.
"Nonresident."

SEC. 38. (RCW 46.04.370) "Operator" means every person who is in actual physical control of a motor vehicle upon a public highway.

RCW 46.04.370.
"Operator."

SEC. 39. (RCW 46.04.380) "Owner" means a person who holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right

RCW 46.04.380.
"Owner."

of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

RCW 46.04.390.
"Peace
officer."

SEC. 40. (RCW 46.04.390) "Peace officer" includes any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state.

RCW 46.04.400.
"Pedestrian."

SEC. 41. (RCW 46.04.400) "Pedestrian" means any person afoot.

RCW 46.04.405.
"Person."

SEC. 42. (RCW 46.04.405) "Person" includes every natural person, firm, co-partnership, corporation, association, or organization.

RCW 46.04.410.
"Pneumatic
tires."

SEC. 43. (RCW 46.04.410) "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

RCW 46.04.414.
"Pole trailer."

SEC. 44. (RCW 46.04.414) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

RCW 46.04.420.
"Private road
or driveway."

SEC. 45. (RCW 46.04.420) "Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

SEC. 46. (RCW 46.04.430) "Public highway" includes every way, land, road, street, boulevard, and every way or place in the state open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

RCW 46.04.430.
"Public highway."

SEC. 47. (RCW 46.04.435) "Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing.

RCW 46.04.435.
"Public scale."

SEC. 48. (RCW 46.04.440) "Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns.

RCW 46.04.440.
"Railroad."

SEC. 49. (RCW 46.04.450) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

RCW 46.04.450.
"Railroad sign or signal."

SEC. 50. (RCW 46.04.460) "Registered owner" means a person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

RCW 46.04.460.
"Registered owner."

SEC. 51. (RCW 46.04.470) "Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

RCW 46.04.470.
"Residence district."

RCW 46.04.480.
"Revoke." SEC. 52. (RCW 46.04.480) "Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue.

RCW 46.04.490.
"Road tractor." SEC. 53. (RCW 46.04.490) "Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices.

RCW 46.04.500.
"Roadway." SEC. 54. (RCW 46.04.500) "Roadway" means the paved, improved, or proper driving portion of a public highway designed, or ordinarily used for vehicular travel.

RCW 46.04.510.
"Safety zone." SEC. 55. (RCW 46.04.510) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible.

RCW 46.04.520.
"School bus." SEC. 56. (RCW 46.04.520) "School bus" means any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or school activities or privately owned and operated for compensation for the transportation of children to or from school or school activities.

RCW 46.04.530.
"Semitrailer." SEC. 57. (RCW 46.04.530) "Semitrailer" includes every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor.

RCW 46.04.540.
"Sidewalk." SEC. 58. (RCW 46.04.540) "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

SEC. 59. (RCW 46.04.550) "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon. RCW 46.04.550.
"Solid tire."

SEC. 60. (RCW 46.04.560) "State highway" includes every primary and secondary state highway or part thereof. RCW 46.04.560.
"State
highway."

SEC. 61. (RCW 46.04.570) "Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns. RCW 46.04.570.
"Street car."

SEC. 62. (RCW 46.04.580) "Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. RCW 46.04.580.
"Suspend."

SEC. 63. (RCW 46.04.585) "Temporarily sojourning," as the term is used in chapter 46.04, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year. RCW 46.04.585.
"Temporarily
sojourning."

SEC. 64. (RCW 46.04.590) "Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel. RCW 46.04.590.
"Traffic."

SEC. 65. (RCW 46.04.600) "Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled. RCW 46.04.600.
"Traffic con-
trol signal."

SEC. 66. (RCW 46.04.610) "Traffic devices" includes all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. RCW 46.04.610.
"Traffic
devices."

RCW 46.04.620.
"Trailer."

SEC. 67. (RCW 46.04.620) "Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle.

RCW 46.04.630.
"Train."

SEC. 68. (RCW 46.04.630) "Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

RCW 46.04.640.
"Trolley vehicle."

SEC. 69. (RCW 46.04.640) "Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact.

RCW 46.04.650.
"Truck tractor."

SEC. 70. (RCW 46.04.650) "Truck tractor" means any motor truck designed and used primarily for drawing a semitrailer and not constructed to carry a load thereon other than a part of the weight of such semitrailer and load so drawn.

RCW 46.04.660.
"Used vehicle."

SEC. 71. (RCW 46.04.660) "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

RCW 46.04.670.
"Vehicle."

SEC. 72. (RCW 46.04.670) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

SEC. 73. (RCW 46.04.680) "Director" means the director of licenses and "department" means the department of licenses. RCW 46.04.680.
"Director."

Passed the Senate February 12, 1959.

Passed the House February 19, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 50.

[H. B. 281.]

APPROPRIATIONS — TEACHERS' OASI.

AN ACT relating to old age and survivors insurance contributions for members of the Washington state teachers' retirement system; making appropriations; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the teachers' retirement pension reserve fund the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, for meeting a deficiency in the amount appropriated for the current biennium for the purpose of paying the employers' old age and survivors insurance contributions for members of the Washington state teachers' retirement system for old age and survivors insurance coverage from January 1, 1956, to June 30, 1957, inclusive, in accordance with the provisions of chapter 183, Laws of 1957 and chapter 41.33 RCW. Appropriation.

SEC. 2. There is hereby appropriated out of the teachers' retirement fund the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, for meeting a deficiency in the amount appropriated for the current biennium for the purpose of paying the employees' old age and survivors insurance contributions for members of the Washington state teachers' retirement system for old age Appropriation.

and survivors insurance coverage from January 1, 1956, to June 30, 1957, inclusive, in accordance with the provisions of chapter 183, Laws of 1957 and chapter 41.33 RCW.

Emergency.

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 political subdivisions, and shall take effect immediately.

Passed the House February 13, 1959.

Passed the Senate February 21, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 51.

[H. B. 81.]

MENTALLY ILL — EXAMINATIONS OF CASE DATA.

AN ACT relating to the examination of case data on mentally ill persons; and amending section 71.02.250, chapter 25, Laws of 1959 and RCW 71.02.250.

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

RCW 71.02.250 amended.

SECTION 1. Section 71.02.250, chapter 25, Laws of 1959 and RCW 71.02.250 are each amended to read as follows:

Files confidential—
Exception—
Record entries.

All files in these cases shall be closed files subject to examination only on court order: *Provided, however,* That this shall not apply to duly authorized representatives of the department of institutions designated by the director insofar as it may be necessary for the department to examine data, other than medical reports, to determine financial responsibility for the expense of care and treatment of the patient. Where a person is found mentally ill the clerk shall cause the following facts to be noted in his probate docket: Name and age of such person, date of order of hospitalization, place of hospitalization, date of parole and date of discharge. Where a person is

found not to be mentally ill the clerk shall cause such proceedings to be noted in an alphabetically arranged index, which index shall contain the following information: Name of person filed against, date of order dismissing proceedings, and probate cause number. This index shall be open to inspection only under court order. Nothing in this section shall be construed to prevent the forwarding of all case histories, physicians' reports, and other case data to the state hospital or other agency in which a mentally ill person may have been ordered hospitalized.

SEC. 2. The superintendents of the state hospitals or the persons in charge of the other agencies shall allow examination of the medical reports and other data only upon court order, except when necessary for treatment or rehabilitation of the patient: *Provided*, That this shall not apply to duly authorized representatives of the department designated by the director insofar as it may be necessary for the department to examine data, other than medical reports, to determine financial responsibility for the expense of care and treatment of the patient.

Examination
to determine
financial
responsibility.

Passed the House February 24, 1959.

Passed the Senate February 20, 1959.

Approved by the Governor February 27, 1959.

CHAPTER 52.

[H. B. 148.]

PORT DISTRICTS—FINANCES.

AN ACT relating to port districts; amending section 12, chapter 65, Laws of 1955 and RCW 53.36.030; and amending section 3, chapter 92, Laws of 1911, as amended by section 3, chapter 179, Laws of 1921, and RCW 53.36.050.

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

RCW 53.36.030 amended.

SECTION 1. Section 12, chapter 65, Laws of 1955, and RCW 53.36.030 are each amended to read as follows:

Indebtedness—Limitation.

A district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one percent of the assessed value of the taxable property in the district, to be ascertained by the last assessment for state and county purposes previous to incurring the indebtedness; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three percent of the assessed valuation of the taxable property in the district to be ascertained as hereinabove provided.

The district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds.

RCW 53.36.050 amended.

SEC. 2. Section 3, chapter 92, Laws of 1911, as amended by section 3, chapter 179, Laws of 1921, and RCW 53.36.050 are each amended to read as follows:

The county treasurer acting as port treasurer shall create a fund to be known as the "Port of Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and shall also maintain such other special funds as may be created by the port commission into which shall be placed such moneys as the port commission may by its resolution direct. All such port 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 port funds shall belong to such port district and shall be deposited to its credit in the proper port funds: *Provided*, That any portion of such port moneys determined by the port commission to be in excess of the current needs of the port district may be invested in certificates, notes, bonds, or other obligations of the United States of America, or any agency or instrumentality thereof, and all interest collected thereon shall likewise belong to such port district and shall be deposited to its credit in the proper port funds.

County treasurer—General and special funds—Depositories—Investment of excess.

Passed the House February 18, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 2, 1959.

CHAPTER 53.

[H. B. 244.]

CHIROPRACTORS.

AN ACT relating to and regulating the practice of chiropractic; creating a board of chiropractic examiners; prescribing certain powers and duties; prescribing certain fees; amending section 5, chapter 5, Laws of 1919 and RCW 18.25.020; amending section 6, chapter 5, Laws of 1919 and RCW 18.25.030; amending section 10, chapter 5, Laws of 1919 and RCW 18.25.070; and adding two new sections to chapter 5, Laws of 1919 and to chapter 18.25 RCW.

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

New section. SECTION 1. There is added to chapter 5, Laws of 1919 and to chapter 18.25 a new section to read as follows:

Board created. There is hereby created a state board of chiropractic examiners consisting of three practicing chiropractors to conduct examinations and perform duties as provided in this chapter.

Appointment of members. Members of the board shall be appointed by the governor from a list of five or more names submitted by the Washington Chiropractors Association, Inc. At the time of their appointment, and during their tenure of office, the members of the board must be actual residents of Washington, licensed to practice chiropractic in this state, and must be citizens of the United States.

Terms. In order that the term of one member shall expire each year, first members appointed shall serve one for a term of three years, one for a term of two years, and one for a term of one year; thereafter appointments shall be for a term of three years.

Vacancies. Vacancies shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term.

SEC. 2. There is added to chapter 5, Laws of 1919 and to chapter 18.25 a new section to read as follows:

New section.

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licenses shall determine, and at such other times and places as he deems necessary.

Organization.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Rules and regulations.

Each member shall receive twenty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with his actual travel expenses, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Compensation, expenses.

SEC. 3. Section 5, chapter 5, Laws of 1919 and RCW 18.25.020 are each amended to read as follows:

RCW 18.25.020 amended.

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him to do so, shall make application therefor to the director of licenses, upon such form and in such manner as may be adopted and directed by the director. Each applicant shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his own handwriting and shall be sworn to before

Application—Qualifications—Fees.

some officer authorized to administer oaths, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to a knowledge of the care of the sick, how long he has studied chiropractic, under what teachers, what collateral branches, if any, he has studied, the length of time he has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director of licenses by each applicant for a license, a fee of twenty-five dollars, ten dollars of which shall accompany application and the remainder, fifteen dollars, shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

RCW 18.25.030
amended.

Examinations
—Grades—
Limitations.

SEC. 4. Section 6, chapter 5, Laws of 1919 and RCW 18.25.030 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the board of chiropractic examiners according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the examining committee until after the examination papers are graded.

All examinations shall be made in writing, the subject of which shall be as follows: Anatomy, physiology, hygiene, symptomatology, nerve-tracing, chiropractic-orthopedy, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. A license shall be granted to all applicants who shall correctly answer seventy-five percent of all questions asked, and if any applicant shall fail

to answer correctly sixty percent of the questions on any branch of said examination, he or she shall not be entitled to a license.

Any chiropractor who has complied with the provisions of this chapter may adjust by hand any articulation of the spine, but shall not prescribe for or administer to any person any medicine or drugs now or hereafter included in materia medica, nor practice obstetrics, nor practice osteopathy or surgery.

SEC. 5. Section 10, chapter 5, Laws of 1919 and RCW 18.25.070 are each amended to read as follows:

RCW 18.25.070
amended.

Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance during the preceding year, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners.

Annual
renewal fee.

Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee of fifteen dollars. The director shall, thirty days or more before September first, of each year mail to all chiropractors in the state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

Passed the House February 14, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 2, 1959.

CHAPTER 54.

[H. B. 246.]

LIVESTOCK MARKETING AND INSPECTION.

AN ACT relating to the identification of livestock; providing penalties; repealing sections 2553 and 2554, Code of 1881 and RCW 16.48.060 and 16.48.070; repealing sections 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11, chapter 156, Laws of 1935, section 5, chapter 156, Laws of 1935 as amended by section 2, chapter 98, Laws of 1949 and sections 3 and 4, chapter 98, Laws of 1949 and chapter 16.56 RCW; repealing section 14, chapter 75, Laws of 1937 as amended by section 2, chapter 198, Laws of 1939 and RCW 16.48.170; repealing section 4, chapter 198, Laws of 1939 and RCW 16.48.200; repealing sections 1, 2, 3, 9, 11 and 13, chapter 75, Laws of 1937 and RCW 16.48.011, 16.48.020, 16.48.021, 16.48.035, 16.48.260 and 16.48.190; repealing sections 9, 10, 11, 12 and 13, chapter 161, Laws of 1945 and RCW 16.48.210, 16.48.220, 16.48.230, 16.48.240 and 16.48.250; repealing section 4, chapter 75, Laws of 1937 as amended by section 1, chapter 30, Laws of 1947 and RCW 16.48.030; repealing sections 10 and 12, chapter 75, Laws of 1937 as amended by sections 9 and 10, chapter 98, Laws of 1949 and RCW 16.48.040 and 16.48.160; repealing section 6, chapter 75, Laws of 1937 as last amended by section 11, chapter 98, Laws of 1949 and RCW 16.48.130; repealing section 3, chapter 198, Laws of 1939 as amended by section 5, chapter 98, Laws of 1949 and RCW 16.48.180; repealing sections 14 and 15, chapter 98, Laws of 1949 and RCW 16.48.300 and 16.48.290; repealing section 12, chapter 98, Laws of 1949 as amended by section 1, chapter 160, Laws of 1951 and RCW 16.48.150; and repealing section 2, chapter 160, Laws of 1951 and RCW 16.48.151.

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

Definitions.

SECTION 1. For the purpose of this act:

"Department."

(1) "Department" means the department of agriculture of the state of Washington.

"Director."

(2) "Director" means the director of the department or his duly appointed representative.

"Person."

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits. "Livestock."

(5) "Brand" means a permanent fire brand or any artificial mark approved by the director to be used in conjunction with a brand or by itself. "Brand."

(6) "Production record brand" means a number brand which shall be used for production identification purposes only. "Production record brand."

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined. "Brand inspection."

SEC. 2. The director shall be the recorder of livestock brands and such brands shall not be recorded elsewhere in this state. Any person desiring to register a livestock brand shall apply on a form prescribed by the director. Such application shall be accompanied by a facsimile of the brand applied for and a three dollar recording fee. The director shall, upon his satisfaction that the application meets the requirements of this act and/or rules and regulations adopted hereunder, record such brand. Recording brands—Fee.

SEC. 3. The director shall not record tattoo brands or marks for any purpose subsequent to the enactment of this act. However, all tattoo brands and marks of record on the date of the enactment of this act shall be recognized as legal ownership brands or marks. Tattoo brands not recordable.

SEC. 4. The director may provide for the use of production record brands. Numbers for such brands shall be issued at the discretion of the director and shall be placed on livestock on a location prescribed by the director. Production record brands.

Prohibited branding.

SEC. 5. No person shall place a brand on livestock for any purpose unless such brand is recorded in his name.

Certain identical brands prohibited.

SEC. 6. No brand shall be recorded for ownership purposes which will be applied in the same location and is similar or identical to a brand used or reserved for ownership or health purposes by a governmental agency or the agent of such an agency.

Conflicting claims determined.

SEC. 7. The director shall determine conflicting claims between applicants to a brand, and in so doing shall consider the priority of applicants.

Brand renewal—Fee.

SEC. 8. The director shall, on or before the first day of September 1960, and every five years thereafter, notify by letter the owners of brands then of record, that on the payment of two dollars and application of renewal, the director shall issue a renewal receipt granting the brand owner exclusive ownership and use of such brand for another five year period. Failure of the registered owner to pay the renewal fee within six months shall cause the director to notify the registered owner by registered mail at his last known address. The failure of the registered owner to pay the renewal fee within three months after notification by registered mail shall cause such owner's brand to become a part of the public domain.

Brand as property. Instruments affecting title, recorded.

SEC. 9. A brand is the personal property of the owner of record. Any instrument affecting the title of such brand shall be acknowledged in the presence of the recorded owner and a notary public. The director shall record such instrument upon presentation and payment of one dollar recording fee. Such recording shall be constructive notice to all the world of the existence and conditions affecting the title to such brand. A copy of all records concerning the brand, certified by the director, shall be received in evidence to all intent and purposes as

the original instrument. The director shall not be personally liable for failure of his agents to properly record such instrument.

SEC. 10. The right to use a brand shall be evidenced by the original certificate issued by the director showing that the brand is of present record or a certified copy of the record of such brand showing that it is of present record. A healed brand of record on livestock shall be prima facie evidence that the recorded owner of such brand has legal title to such livestock and is entitled to its possession.

Evidence of right to use.

SEC. 11. No brand shall be placed on livestock that is not permanent in nature and of a size that is not readily visible. The director, in order to assure that brands are readily visible, may prescribe the size of branding irons to be used for ownership brands.

Brand size, permanency.

SEC. 12. No person shall remove or alter a brand of record on livestock without first having secured the written permission of the director. Violation of this section shall be a gross misdemeanor.

Altering brand, gross misdemeanor.

SEC. 13. The director shall not record a brand that is identical to a brand of present record; nor a brand so similar to a brand of present record that it will be difficult to distinguish between such brands when applied to livestock.

Identical brands not to be recorded.

SEC. 14. The owner of a brand of record may procure from the director a certified copy of the record of his brand upon payment of one dollar.

Certified record of brand.

SEC. 15. The director shall publish a book to be known as the "Washington State Brand Book," showing all the brands of record. Such book shall contain the name and address of the owners of brands of record and a copy of the brand laws and regulations. Supplements to such brand book showing newly recorded brands, amendments or newly

Brand book.

adopted regulations, shall be published biennially, or prior thereto at the discretion of the director.

Brand inspection.

SEC. 16. (1) The director shall provide for brand inspection at public stockyards, public livestock markets and wherever necessary to enforce the provisions of this act.

(2) The director may provide for brand inspection at all slaughterhouses and brand inspect livestock being slaughtered therein.

(3) The director may designate points where he will carry on brand inspection and such livestock as shall require brand inspection shall be made available for inspection at such designated points.

Right of entry, examination.

SEC. 17. The director may enter at any reasonable time any slaughterhouse or public livestock market to make an examination of the brands on livestock or hides, and may enter at any reasonable time an establishment where hides are held to examine them for brands. The director may enter any of these premises at any reasonable time to examine all books and records required by law in matters relating to brand inspection or other methods of livestock identification.

Search warrants authorized.

SEC. 18. Should the director be denied access to any premises or establishment where such access was sought for the purposes set forth in section 17, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

Mandatory brand inspection, when.

SEC. 19. Except as otherwise provided in this act, livestock shall be brand inspected in each of the following instances:

(1) Prior to transportation out of the state.

(2) Prior to release or sale from a public stockyard or a public or private sales market.

(3) Prior to sale or release from a posted stockyard or posted salesyard.

SEC. 20. Any owner or his agent shall make the brand or brands on livestock being brand inspected readily visible and shall cooperate with the director to carry out such brand inspection in a safe and expeditious manner.

Brand inspection cooperation mandatory.

SEC. 21. The director shall have authority to arrest any person without warrant anywhere in the state found in the act of, or whom he has reason to believe is guilty of, driving, holding, selling or slaughtering stolen livestock. Any such person arrested by the director shall be turned over to the sheriff of the county where the arrest was made, as quickly as possible.

Arrest without warrant authorized.

SEC. 22. The director shall cause a charge to be made for all brand inspection required under this act and/or rules and regulations adopted hereunder. Such charge shall be paid to the department by the owner or person in possession of such livestock at the time of brand inspection and shall be a lien on the livestock or hides brand inspected until such charge is paid. Such charge shall be no greater than twenty cents nor less than ten cents per head of livestock or livestock hides brand inspected and shall be set at the discretion of the director, subsequent to a hearing as provided by law.

Charge for brand inspection.

SEC. 23. No person shall collect or make a charge for brand inspection of livestock unless there has been an actual brand inspection of such livestock by the director.

Actual inspection required.

SEC. 24. Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting livestock shall keep a record on forms prescribed by the director. Such forms shall show the number, specie, brand or other method of identification of such livestock and any

Record of livestock.

other necessary information required by the director. Such records shall be made in triplicate; the original shall be forwarded to the director forthwith, one copy shall accompany the livestock to its destination and one copy shall be kept by the person handling the transaction for a period of at least twelve months following the transaction and shall be subject to inspection at any time by the director or any peace officer or member of the state patrol: *Provided*, That in the following instances only, livestock may be moved or transported within this state without being accompanied by a certificate of permit or an official brand inspection certificate or bill of sale:

(1) When such livestock is moved or transported upon lands under the exclusive control of the person moving or transporting such livestock;

(2) When such livestock is being moved or transported for temporary grazing or feeding purposes and has the registered brand of the person having or transporting such livestock, or accompanied by a certificate of permit.

Certificate or bill of sale required in transporting.

SEC. 25. Every person who transports or moves livestock in this state shall have in his possession when transporting or moving such livestock, a certificate of permit or an official certificate of brand inspection or bill of sale. Such certificate or bill of sale shall be on a form prescribed by the director and shall contain the following information:

(1) The name of the seller and purchaser or the name of the consignee and consignor.

(2) The brand or brands on such livestock.

(3) The number and any other method of identifying such livestock.

Certificate for out-of-state removal.

SEC. 26. It shall be unlawful for any person to remove or cause to be removed or accept for removal from this state, any livestock which is not ac-

accompanied at all times by an official brand inspection certificate issued by the director on such livestock.

SEC. 27. It shall be unlawful for any person moving or transporting livestock in this state to refuse to assist the director or any peace officer in establishing the identity of such livestock being moved or transported.

Cooperation in identifying required.

SEC. 28. No person shall have in his possession any livestock marked with a recorded brand or tattoo of another person unless:

Authorized possession when another's brand.

(1) Such livestock bears his own healed recorded brand, or

(2) Such livestock is accompanied by a certificate of permit from the owner of the recorded brand or tattoo, or

(3) Such livestock is accompanied by a brand inspection certificate, or

(4) Such livestock is accompanied by a bill of sale from the previous owner or other satisfactory proof of ownership.

SEC. 29. All unbranded cattle, horses, mules and burros and those bearing brands not recorded which are not accompanied by a certificate of permit, and those bearing brands recorded which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection, are hereby declared estrays, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Such estrays shall be sold by the director or his representative who shall give the purchaser a bill of sale therefor.

Estrays, sale of.

SEC. 30. The proceeds from the sale of such estrays, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale

Estrays, disposition of proceeds from sale of.

thereof. However, the proceeds from a sale of estrays at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell such livestock. If such consignor fails to establish legal ownership or the right to sell such livestock, such proceeds shall be paid to the director to be disposed of as any other stray proceeds.

Claim on proceeds after notice of sale.

SEC. 31. When a person has been notified by registered mail that animals bearing his recorded brand have been sold by the director, he shall present to the director a claim on the proceeds within ten days from the receipt of the notice or the director may decide that no claim exists.

Payment on claim of brand owner—Fraud, gross misdemeanor.

SEC. 32. If, after the expiration of one year from the date of sale, the person presenting the 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. However, it shall be a gross misdemeanor for the owner of the recorded brand to knowingly accept such funds after he has sold, bartered or traded such animals to the claimant or any other person.

Disposition if no claim.

SEC. 33. If, after the expiration of one year from the date of sale, no claim is made, the money shall be credited to the department of agriculture to be expended in carrying out the provisions of this act.

Reciprocal agreements authorized.

SEC. 34. The director shall have the authority to enter into reciprocal agreements with any or all states to prevent the theft, misappropriation or loss of identification of livestock. The director may declare any livestock which is shipped or moved into this state from such states estrays if such livestock is not accompanied by the proper official brand certificate or other such certificates required by the law

of the state of origin of such livestock. The director may hold such livestock subject to all costs of holding or sell such livestock and send the funds, after the deduction of the cost of such sale, to the proper authority in the state of origin of such livestock.

SEC. 35. The director, but not his duly appointed representatives, may adopt such rules and/or regulations as are necessary to carry out the purposes of this act. It shall be the duty of the director to enforce and carry out the provisions of this act and/or rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out duties imposed on him by this act and/or rules and regulations adopted hereunder.

Rules and regulations.

Enforcement.

SEC. 36. The violation of any provisions of this act and/or rules and regulations adopted hereunder shall constitute a misdemeanor unless otherwise specified herein.

Violation, misdemeanor.

SEC. 37. All fees collected under the provisions of this act shall be retained and deposited by the director to be used only for the enforcement of this act.

Disposition of fees.

SEC. 38. 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.

Severability.

SEC. 39. The following acts or parts of acts are hereby repealed:

Repeal.

(1) Sections 2553 and 2554, Code of 1881 and RCW 16.48.060 and 16.48.070;

(2) Sections 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11, chapter 156, Laws of 1935, section 5, chapter 156, Laws of 1935 as amended by section 2 chapter 98, Laws of 1949 and sections 3 and 4, chapter 98, Laws of 1949 and chapter 16.56 RCW;

Repeal.

(3) Section 14, chapter 75, Laws of 1937 as amended by section 2, chapter 198, Laws of 1939 and RCW 16.48.170;

(4) Section 4, chapter 198, Laws of 1939 and RCW 16.48.200;

(5) Sections 1, 2, 3, 9, 11 and 13, chapter 75, Laws of 1937 and RCW 16.48.011, 16.48.020, 16.48.021, 16.48.035, 16.48.260 and 16.48.190;

(6) Sections 9, 10, 11, 12 and 13, chapter 161, Laws of 1945 and RCW 16.48.210, 16.48.220, 16.48.230, 16.48.240 and 16.48.250;

(7) Section 4, chapter 75, Laws of 1937 as amended by section 1, chapter 30, Laws of 1947 and RCW 16.48.030;

(8) Sections 10 and 12, chapter 75, Laws of 1937 as amended by sections 9 and 10, chapter 98, Laws of 1949 and RCW 16.48.040 and 16.48.160;

(9) Section 6, chapter 75, Laws of 1937 as last amended by section 11, chapter 98, Laws of 1949 and RCW 16.48.130;

(10) Section 3, chapter 198, Laws of 1939 as amended by section 5, chapter 98, Laws of 1949 and RCW 16.48.180;

(11) Sections 14 and 15, chapter 98, Laws of 1949 and RCW 16.48.300 and 16.48.290;

(12) Section 12, chapter 98, Laws of 1949 as amended by section 1, chapter 160, Laws of 1951 and RCW 16.48.150; and

(13) Section 2, chapter 160, Laws of 1951 and RCW 16.48.151.

Passed the House February 26, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 2, 1959.

CHAPTER 55.

[H. B. 139.]

INDUSTRIAL INSURANCE—EMPLOYMENTS INCLUDED.

AN ACT relating to workmen's compensation which is also known as industrial insurance; and amending section 2, chapter 74, Laws of 1955 and RCW 51.12.010.

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

SECTION 1. Section 2, chapter 74, Laws of 1955 and RCW 51.12.010 are each amended to read as follows:

RCW 51.12.010 amended.

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:

Employments included.

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; janitors, chambermaids, porters, bellmen, pinsetters, elevator operators and maintenance men employed in apartment houses, office buildings, stores, mercantile establishments, theaters and bowling alleys employing one or more employees; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, 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.

Note: See also section 9, chapter 308, Laws of 1959.

Passed the House February 27, 1959.

Passed the Senate February 26, 1959.

Approved by the Governor March 2, 1959.

CHAPTER 56.

[S. B. 19.]

PRISONERS—PROSECUTION FOR OTHER CRIMES.

AN ACT relating to the prosecution of persons committed to state penal institutions for other crimes committed within the state.

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

SECTION 1. (1) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information or complaint against the prisoner, he shall be brought to trial within one hundred twenty days

Disposition of untried indictments, etc., of prisoner—Procedure.

after he shall have caused to be delivered to the prosecuting attorney and the superior court of the county in which the indictment, information or complaint is pending written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: *Provided*, That for good cause shown in open court, the prisoner or his counsel shall have the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the superintendent having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the board of prison terms and paroles relating to the prisoner.

(2) The written notice and request for final disposition referred to in subsection (1) hereof shall be given or sent by the prisoner to the superintendent having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior court by registered mail, return receipt requested.

(3) The superintendent having custody of the prisoner shall promptly inform him in writing of the source and contents of any untried indictment, information or complaint against him concerning which the superintendent has knowledge and of his right to make a request for final disposition thereof.

(4) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in subsection (1) hereof shall void the request.

Escape, voids
request.

SEC. 2. In the event that the action is not brought to trial within the period of time as herein provided,

Result of failure to try.

no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment, information or complaint be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Mentally ill exclusion.

SEC. 3. The provisions of this act shall not apply to any person adjudged to be mentally ill.

Construction.

SEC. 4. This act shall not be construed as preempting the right of the superior court on the motion of the county prosecuting attorney from ordering the superintendent of a state penal or correctional institution to cause a prisoner to be transported to the superior court of the county for trial upon any untried indictment, information or complaint.

Passed the Senate February 5, 1959.

Passed the House February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 57.

[S. B. 48.]

PROBATE—SALE OF VENDEE'S INTEREST IN CONTRACT.

AN ACT relating to sales of vendee's interest in contract in probate by personal representative; and repealing sections 140 and 141, chapter 156, Laws of 1917 and RCW 11.56.190 and 11.56.200.

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

Repeal.

SECTION 1. Sections 140 and 141, chapter 156, Laws of 1917 and RCW 11.56.190 and 11.56.200 are each repealed.

Passed the Senate February 4, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 58.

[S. B. 69.]

JUVENILE COURTS—TRAFFIC VIOLATIONS.

AN ACT relating to juvenile court procedures; and amending section 12, chapter 160, Laws of 1913, as amended by section 1, chapter 132, Laws of 1945 and RCW 13.04.120.

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

SECTION 1. Section 12, chapter 160, Laws of 1913, as amended by section 1, chapter 132, Laws of 1945, and RCW 13.04.120 are each amended to read as follows:

RCW 13.04.120
amended.

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.

Arrest of
juvenile—
Hearing.

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 chapter, 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 as it shall deem for the best welfare of the child. If, upon investigation, it shall appear that a

Arrest of
juvenile—
Hearing.

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.

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 chapter: *Provided*, That whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the juvenile court shall be forwarded by the court to the director of licenses in the same manner as provided in RCW 46.20.280.

Passed the Senate January 29, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 59.

[S. B. 95.]

SALE OF LAND BY W. S. C.

AN ACT relating to public lands; authorizing the sale of certain properties by the board of regents of the State College of Washington; and amending chapter 25, Laws of 1949 (uncodified).

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

SECTION 1. Section 1, chapter 25, Laws of 1949 (uncodified) is amended to read as follows: 1949 c 25 § 1 amended.

The board of regents of the State College of Washington is hereby authorized to sell all or any part or parts of the following described premises in Whitman county, state of Washington: Sale authorized.

Description.

All of the Sunset Heights Addition to the city of Pullman. The following portion of the Military Hill Additions to the city of Pullman; block 3, lots 7 through 12, inclusive; block 4, lots 5 through 7, inclusive; block 5, lots 7 through 12, inclusive; block 6, lots 3 through 7, inclusive; and block 4, lot 8, at public or private sale under such terms and conditions and in such manner as it shall determine.

SEC. 2. Section 2, chapter 25, Laws of 1949 (uncodified) is amended to read as follows: 1949 c 25 § 2 amended.

The proceeds from the sale of the properties described in section 1 of this act shall be first applied to the redemption of any bonds issued by the State College of Washington, pursuant to chapter 64, Laws of 1947, until the same have been redeemed in full and the balance of said moneys shall be applied to the State College of Washington building account in the general fund. Disposition of proceeds.

Passed the Senate February 11, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 60.

[S. B. 115.]

STATE HOSPITALS—PATIENTS' PERSONAL PROPERTY.

AN ACT relating to funds of patients of state hospitals, and amending section 72.23.230, chapter 28, Laws of 1959 and RCW 72.23.230.

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

RCW 72.23.230 amended.

SECTION 1. Section 72.23.230, chapter 28, Laws of 1959 and RCW 72.23.230 are each amended to read as follows:

Patients property—Superintendent as custodian—Management and accounting.

The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse moneys from the patients' funds for the following purposes only and subject to the following limitations:

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization charges of such patient; and

(3) When a patient is paroled, the superintendent shall deliver unto the said patient all or such portion of the funds or other property belonging to the patient as the superintendent may deem necessary and proper in the interests of the patient's welfare, and the superintendent may during the parole period deliver to the patient such additional property or funds belonging to the patient as the superintendent may from time to time determine neces-

sary and proper. When a patient is discharged from the jurisdiction of the hospital, the superintendent shall deliver to such patient all funds or other property belonging to the patient.

All funds held by the superintendent as custodian may be deposited in a single fund. Annual reports of receipts and expenditures shall be forwarded to the department, and shall be open to inspection by interested parties: *Provided*, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general welfare of all the patients of such institution: *Provided, further*, That when the personal accounts of patients exceed three hundred dollars, the interest accruing therefrom shall be credited to the personal accounts of such patients. All such expenditures shall be accounted for by the superintendent.

The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority to pay state hospitalization charges upon the superintendent's receipt of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall forward to such guardian any funds or other property of the patient remaining in the superintendent's possession, together with a final accounting of receipts and expenditures.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 61.

[S. B. 123.]

RESIDENTIAL SCHOOLS—RESIDENTS' PERSONAL PROPERTY.

AN ACT relating to funds of residents of state residential schools; and amending section 72.33.180, chapter 28, Laws of 1959 and RCW 72.33.180.

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

RCW 72.33.180 amended.

SECTION 1. Section 72.33.180, chapter 28, Laws of 1959 and RCW 72.33.180 are each amended to read as follows:

Personal property of resident—Superintendent as custodian—Limitations—Judicial proceedings to recover.

The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor or payor of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such personal needs of such resident as the superintendent may deem proper and necessary.

(2) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been

fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(3) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him: *Provided*, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general welfare of all the residents of such institution: *Provided, further*, That when the personal accounts of patients exceed three hundred dollars, the interest accruing therefrom shall be credited to the personal accounts of such patients. All such expenditures shall be subject to the duty of accounting provided for in this section.

(4) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of a resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

(5) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident has no legally appointed guardian of his estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail

written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 62.

[S. B. 256.]

COURT COSTS IN ACTIONS BY AND AGAINST STATE OR COUNTY.

AN ACT relating to civil procedure; authorizing court costs; and amending section 522, Code of 1881 and RCW 4.84.170.

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

SECTION 1. Section 522, Code of 1881 and RCW 4.84.170 are each amended to read as follows:

In all actions prosecuted in the name and for the use of the state, or in the name and for the use of any county, and in any action brought against the state or any county, and on all appeals to the supreme

RCW 4.84.170
amended.

Cost against
state or
county.

court of the state in all actions brought by or against either the state or any county, the state or county shall be liable for costs in the same case and to the same extent as private parties.

Passed the Senate February 17, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 63.

[S. B. 34.]

LEASE OF LANDS BY UNIVERSITY OF WASHINGTON.
AN Act relating to parks and recreation.

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 to enter into negotiations with the state parks and recreation commission for the leasing to said commission for park and recreational purposes a certain tract of land located on Whidbey Island described as follows:

Negotiations authorized.

“That portion west of the County road of the West half of Section 29 and that part of the East part of Section 30 from the East section line to the meander line, all in Township 30 North, Range 2 E. W. M.”

Description.

The state parks and recreation commission shall pay reasonable rental to the university for the recreational use of such property.

SEC. 2. The state parks and recreation commission is authorized to develop and maintain general park and recreational facilities upon such tract including necessary access roads. The commission shall build and maintain fire trails and remove debris which is deemed to be a fire hazard. The usage of such tract by the commission shall be such that it shall not in-

Park facilities authorized.

terfere unnecessarily with the right of the university to obtain revenue from the tract through the marketing of timber or any other enterprise.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 64.

[S. B. 214.]

MOSQUITO CONTROL DISTRICTS.

AN ACT relating to the public health and mosquito control districts in certain counties; amending section 11, chapter 153, Laws of 1957 and RCW 17.28.110; amending section 17, chapter 153, Laws of 1957 and RCW 17.28.170; repealing sections 18 through 24, chapter 153, Laws of 1957 and RCW 17.28.180 through 17.28.240; authorizing the levy and collection of taxes and assessments and adding eight new sections to chapter 17.28 RCW.

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

SECTION 1. Section 11, chapter 153, Laws of 1957 and RCW 17.28.110 are each amended to read as follows:

RCW 17.28.110 amended.

Board of trustees—Composition.

Within thirty days after the filing with the secretary of state of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

(1) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the county commissioners of the county.

(2) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from each commissioner district lying wholly or partly within the district by the county commis-

sioners of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the county commissioners shall appoint from the district at large enough additional members to make a board of five members.

(3) If the district is situated in two or more counties and is comprised wholly of incorporated territory, one member shall be appointed from each commissioner district of each county or portion of a county situated in the district by the county commissioners; but if the district board created consists of less than five members, the county commissioners of the county in which the greater area of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(4) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the county commissioners of each of the counties from that portion of the district lying within each commissioner district within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the county commissioners in which the greater area of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

SEC. 2. Section 17, chapter 153, Laws of 1957 and RCW 17.28.170 are each amended to read as follows:

Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition is a public nuisance: *Provided*, That conditions or usage of land which are beyond the control

RCW 17.28.170
amended.

Breeding
places de-
clared public
nuisance.

of the land owner or are not contrary to normal, accepted practices of water usage in the district, shall not be considered a public nuisance.

The nuisance may be abated in any action or proceeding, or by any remedy provided by law.

New section.

SEC. 3. There is added to chapter 17.28 RCW a new section to read as follows:

Borrowing authorized.

A mosquito control district may, prior to the receipt of taxes raised by levy, borrow money or issue warrants of the district in anticipation of revenue, and such warrants shall be redeemed from the first money available from such taxes.

New section.

SEC. 4. There is added to chapter 17.28 RCW a new section to read as follows:

Excess levy authorized.

A mosquito control district shall have the power to levy additional taxes in excess of the forty-mill limitation for any of the authorized purposes of such district, not in excess of two mills a year when authorized so to do by the electors of such district 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 twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the board of trustees for the district, which special election may be called by the board of trustees of the district, 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 opposing thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said mosquito control district who voted in the last preceding general state or county election. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election.

SEC. 5. There is added to chapter 17.28 RCW a new section to read as follows: New section.

For the purpose of property taxation and the levying of property taxes the boundaries of the mosquito control district shall be the established official boundary of such district existing on the first day of September of the year in which the levy is made, and no such levy shall be made for any mosquito control district whose boundaries are not duly established on the first day of September of such year. Boundaries for tax purposes.

SEC. 6. There is added to chapter 17.28 RCW a new section to read as follows: New section.

It is hereby declared that whenever the public necessity or welfare has required the formation of a mosquito control district, the abatement or extermination of mosquitoes within the district is of direct, economic benefit to the land located within such district and is necessary for the protection of the public health, safety and welfare of those residing therein. Declaration.

SEC. 7. There is added to chapter 17.28 RCW a new section to read as follows: New section.

The board of trustees shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall apportion and assess the several lots, blocks, tracts, and parcels of land or other property within the district, which assessment shall be collected with the general taxes of the county or counties. Assessments, determination of.

SEC. 8. There is added to chapter 17.28 RCW a new section to read as follows: New section.

The board of trustees in assessing the property within the district and the rights, duties and liabilities of property owners therein shall be governed, Assessments, guide for.

insofar as is consistent with this chapter, by the provisions for county road improvement districts as set forth in RCW 36.88.090 through 36.88.110.

New section.

SEC. 9. There is added to chapter 17.28 RCW a new section to read as follows:

Road district statutes applicable.

The provisions of RCW 36.88.120, 36.88.140, 36.88.150, 36.88.170 and 36.88.180 governing the liens, collection, payment of assessments, delinquent assessments, interest and penalties, lien foreclosure and foreclosed property of county road improvement districts shall govern such matters as applied to mosquito control districts.

New section.

SEC. 10. There is added to chapter 17.28 RCW a new section to read as follows:

County treasurers' duties.

The county treasurer shall collect all mosquito control district assessments, and the duties and responsibilities herein imposed upon him shall be among the duties and responsibilities of his office for which his bond is given as county treasurer. The collection and disposition of revenue from such assessments and the depository thereof shall be the same as for tax revenues of such districts as provided in RCW 17.28.270.

Repeal.

SEC. 11. Sections 18 through 24, chapter 153, Laws of 1957 and RCW 17.28.180 through 17.28.240 are each hereby repealed.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 65.

[Sub. H. B. 105.]

IRISH SEED POTATOES.

AN ACT relating to Irish seed potatoes; providing for the inspection thereof; prescribing standards; and providing penalties.

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

SECTION 1. For the purpose of this act:

Definitions.

(1) "Director" means director of agriculture of the state of Washington or his duly authorized representative.

"Director."

(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

"Person."

(3) "Certificate" means an inspection certificate issued by the director or any agency of the United States government or another state or the Dominion of Canada or any province thereof authorized to inspect Irish potatoes for diseases and issue certificates stating whether such potatoes are infected with diseases and if so to what extent.

"Certificate."

(4) "Potatoes" means Irish potatoes to be used or intended for use as seed, propagating or reproduction purposes.

"Potatoes."

SEC. 2. No person shall sell, offer for sale, hold for sale, barter, trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes are not infected with bacterial ring rot, powdery scab, blackwort, nematode and/or more than one percent net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than

Certificate, new containers, required in handling potatoes.

three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pest or plant disease or diseases which may impair or endanger the production of Irish potatoes in this state.

Certificate forwarded.

SEC. 3. The owner or handler of potatoes shall forward to the director in Olympia a copy of the certificate accompanying any potatoes being transported within or into this state at the time such transportation begins at the point of origin.

Inspection points—Notice of entry.

SEC. 4. The director may inspect potatoes at the point of origin, in transit or at the point of destination: *Provided*, That such inspection shall not interfere unduly with the orderly receipt, transportation or deliveries of such potatoes by any common carrier. When potatoes are being transported into this state from another state or foreign country, the director shall be notified of the time and place of entry and such potatoes shall be made available for inspection.

Noncommercial plantings defined.

SEC. 5. Noncommercial plantings which are defined as plantings in home gardens for domestic use, and not for sale; and potato research carried on by the State College of Washington and/or other approved research agencies are hereby exempted from the provisions of this act.

Exemptions from act.

Quarantine—Disposition.

SEC. 6. The director shall quarantine any potatoes found not to meet the requirements provided for in section two. Such potatoes shall be disposed of in a manner provided for by the director, but shall not be used for seed propagation or reproduction purposes.

Violations, misdemeanor, gross misdemeanor.

SEC. 7. Any person violating the provisions of this act shall be guilty of a misdemeanor and any subsequent violation shall constitute a gross misdemeanor.

SEC. 8. The director may adopt any rule or regulation necessary to carry out the provisions of this act. Rules and regulations.

Passed the House February 13, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 66.

[H. B. 143.]

MOTOR VEHICLES—TEMPORARY PERMITS.

AN ACT relating to motor vehicles; providing for the issuance of temporary permits to operate a vehicle pending issuance of permanent plates; amending section 6, chapter 145, Laws of 1957 and RCW 46.16.360; and adding two new sections to chapter 46.16 RCW.

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

SECTION 1. There is added to chapter 46.16 RCW a new section to read as follows: New section.

The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department. Temporary permit authorized.

SEC. 2. There is added to chapter 46.16 RCW a new section to read as follows: New section.

Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall Contents.

Application
registered.

be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

Fees—Dis-
position.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund.

New section.

SEC. 3. Section 6, chapter 145, Laws of 1957 and RCW 46.16.360 are each amended to read as follows:

Rules and
regulations.

The director of licenses may make such rules and regulations as are necessary for the proper operation and enforcement of chapter 46.16 RCW.

Passed the House January 30, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 67.

[H. B. 154.]

COUNTY ROADS AND BRIDGES.

AN ACT relating to county roads and bridges; and amending section 32, chapter 187, Laws of 1937 and RCW 36.77.010 through 36.77.040.

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

SECTION 1. Section 32, chapter 187, Laws of 1937 (heretofore divided and codified as RCW 36.77.010 through 36.77.040) is divided and amended as set forth in sections 2 through 5 of this act.

SEC. 2. (RCW 36.77.010) Whenever it is ordered by resolution of the board that any county road shall

be laid out and established and altered, widened, or otherwise constructed or improved, the county road engineer employed by the county shall prepare such maps, plans, and specifications as shall be necessary and sufficient. A copy of such maps, plans, and specifications shall be approved by the board of county commissioners with its approval endorsed thereon, and such copy shall be filed with the clerk of the board.

RCW 36.77.010
enacted
without
amendment.

SEC. 3. (RCW 36.77.020) Upon approval of such maps, plans, and specifications and the filing thereof the board shall, if it determines that the work shall be done by contract, advertise a call for bids upon such construction work by publication in the official county paper and also one trade paper of general circulation in the county, in one issue of each such paper at least once in each week for two consecutive weeks prior to the time set in the call for bids for the opening of bids. All bids shall be submitted under sealed cover before the time set for the opening of bids.

RCW 36.77.020
enacted
without
amendment.

SEC. 4. (RCW 36.77.030) At the time fixed in the call for bids the board shall proceed to publicly open and read such bids as have been submitted, in the board room at the county seat. No bid shall be considered unless it is accompanied by a bid deposit in the form of a surety bond, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

RCW 36.77.030
amended.
Opening of
bids—Deposit.

SEC. 5. (RCW 36.77.040) The board shall proceed to award the contract to the lowest and best bidder but may reject any or all bids if in its opinion good cause exists therefor. The board shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the con-

RCW 36.77.040
enacted
without
amendment.

tractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and placed in the county road fund and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board.

Passed the House February 5, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 68.

[H. B. 171.]

LAW AGAINST DISCRIMINATION— CREDIT APPLICATIONS.

AN ACT relating to the law against discrimination; and adding a new section to chapter 49.60 RCW.

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

New section.

SECTION 1. There is added to chapter 49.60 RCW a new section to read as follows:

Unfair practice as to credit application.

It shall be an unfair practice to require designation of the race, creed, color or national origin of any person on credit applications of banks, loan companies, insurance companies or any other financial institution.

Passed the House February 13, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 69.

[H. B. 249.]

CITY FIREMEN BENEFITS—PRIOR SERVICE.

AN ACT relating to firemen of cities and towns; providing for the addition and accreditation of the period of service of certain persons with certain private enterprises to the period of employment as firemen; adding a new section to chapter 382, Laws of 1955 and chapter 41.18 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 382, Laws of 1955 and chapter 41.18 RCW a new section to read as follows:

Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise unless he or a third party shall pay to the municipality his contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18-.030, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time

New section.

Credit for membership in private organization acquired by municipality.

of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

Emergency.

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 13, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 70.

[H. B. 250.]

STATE-WIDE CITY EMPLOYEE BENEFITS.

AN ACT relating to cities and towns and to pension, relief, disability and retirement systems, and pension, relief, disability and retirement funds therein; amending section 3, chapter 71, Laws of 1947, as last amended by section 1, chapter 228, Laws of 1953, and RCW 41.44.030; amending section 12, chapter 71, Laws of 1947, as last amended by section 2, chapter 158, Laws of 1957, and RCW 41.44.120; and declaring an emergency.

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

SECTION 1. Section 3, chapter 71, Laws of 1947, as last amended by section 1, chapter 228, Laws of 1953, and RCW 41.44.030 are each amended to read as follows:

RCW 41.44.030 amended.

As used in this chapter, unless a different meaning is plainly required by the context:

Definitions.

(1) "Retirement system" means the state-wide city employees retirement system provided for herein.

"Retirement system."

(2) "City" or "cities" includes town or towns.

"City,"
"Cities."

(3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

"Employee."

(4) "Member" means any person included in the membership of the retirement system as provided herein.

"Member."

(5) "Board" means the "board of trustees" provided for herein.

"Board."

(6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

"Retirement fund."

(7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for serv-

"Service."

ice in the armed forces of the United States as contemplated in RCW 41.44.120.

"Prior service."

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein and service specified in RCW 41.44.120 (5).

"Current service."

(9) "Current service" means service after the employee has become a member of the system.

"Creditable service."

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

"Beneficiary."

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

"Compensation."

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars per month).

"Compensation earnable."

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred

dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars per month).

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

"Final compensation."

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

"Matching contribution."

(16) "Normal contributions" means contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

"Normal contributions."

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

"Released matching contributions."

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

"Regular interest."

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

"Accumulated normal contributions."

- "Pension." (20) "Pension" means payments derived from contributions made by the city as provided herein.
- "Annuity." (21) "Annuity" means payments derived from contributions made by a member as provided herein.
- "Retirement allowance." (22) "Retirement allowance" means the pension plus annuity.
- "Fiscal year." (23) "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.
- "Miscellaneous personnel." (24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided*, Those members of the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any other state law, are also included in the miscellaneous personnel.
- "Uniformed personnel." (25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such.
- "Effective date." (26) "Effective date" when used with regard to employees means the date on which any individual or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant.
- "Actuarial equivalent." (27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees.
- "...insurable interest..." (28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of a member.
- "Additional contributions." (29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41.44.130.

(30) "Accumulated additional contributions" means the sum of all "additional contributions" made by a member standing to the credit of the individual account, together with regular interest thereon.

"Accumulated additional contributions."

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

"Part time employees."

SEC. 2. Section 12, chapter 71, Laws of 1947, as last amended by section 2, chapter 158, Laws of 1957, and RCW 41.44.120 are each amended to read as follows:

RCW 41.44.120 amended.

(1) Subject to subsections (4) and (5) of this section the following members shall be entitled to prior service credit:

Prior service credit.

(a) Each member in service on the effective date.

(b) Each member entering after the effective date if such entry is within one year after rendering service prior to the effective date.

(c) Each member entering in accordance with the provisions and subject to the conditions and limitations prescribed in subsection (5) of this section.

As soon as practicable, the board shall issue to each member entitled to prior service credit a certificate certifying the aggregate length of service rendered prior to the effective date. Such certificate shall be final and conclusive as to his prior service unless hereafter modified by the board, upon application of the member.

(2) Each city joining the system shall have the privilege of selecting the rate at which prior service

Prior
service
credit.

pensions shall be calculated for its employees and may select any one of the three rates set forth below:

(a) 1.33% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(b) 1.00% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "three-fourths prior service credit."

(c) .667% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "one-half prior service credit."

(3) The above rates shall apply at the age of sixty-two or over for members included in the miscellaneous personnel and at age sixty or over for members in the uniformed personnel: *Provided*, That if a member shall retire before attaining either of the ages above referred to, the total prior service pension shall be reduced to the percentages computed and established in accordance with the following tables, to wit:

MISCELLANEOUS PERSONNEL

Percent of Full Prior Service Allowable

MALE		FEMALE	
Age	Factor	Age	Factor
45	65.48	45	66.78
46	66.86	46	67.91
47	68.29	47	69.09
48	69.77	48	70.34
49	71.28	49	71.67
50	72.82	50	73.10
51	74.43	51	74.71
52	76.13	52	76.41
53	77.93	53	78.21
54	79.84	54	80.11

55	81.86	55	82.12	Prior service credit.
56	84.00	56	84.24	
57	86.28	57	86.50	
58	88.69	58	88.89	
59	91.26	59	91.42	
60	94.00	60	94.11	
61	96.90	61	96.96	
62	100.00	62	100.00	

Percent of Full Prior Service Allowable
UNIFORMED PERSONNEL

Age	Factor
45	69.66
46	71.13
47	72.65
48	74.22
49	75.83
50	77.47
51	79.18
52	80.99
53	82.91
54	84.93
55	87.09
56	89.37
57	91.79
58	94.36
59	97.09
60	100.00

(4) If sickness, injury or service in the armed forces of the United States during the national emergency identified with World War I or World War II and/or service in the armed forces of the United States of America for extended active duty by any employee who shall have been regularly granted a leave of absence from the city service by reason thereof, prevents any regular employee from being in service on the effective date, the board shall grant prior service credit to such person when he is again employed. The legislative authority in each partici-

Prior
service
credit.

pating city shall specify the amount of prior service to be granted or current service credit to be made available to such employees: *Provided*, That in no case shall such service credit exceed five years. Certificate of honorable discharge from or documentary evidence of such service shall be submitted to the board before any such credit may be granted or made available. Prior or current service rates, or both, for such employees shall not exceed the rates established for fellow employees.

(5) There shall be granted to any person who was an employee of a private enterprise or a portion thereof which shall be hereafter acquired by a city as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such enterprise or portion thereof, credit for prior service for the period such person was actually employed by such private enterprise, except that this shall apply only to those persons who shall be employees of such enterprise or portion thereof at the time of its acquisition by the city and who remain in the service of such city until the effective date of membership of such person under this chapter.

Credit for such prior service shall be given only if payment for the additional cost of including such service has been made or if payment of such additional cost or reimbursement therefor has been otherwise provided for to the satisfaction of the board or if such person be entitled to any private pension or retirement benefits as a result of such service with such private enterprise, credit will be given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and

limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

SEC. 3. This act is necessary for the immediate Emergency. 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 13, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 71.

[H. B. 251.]

POLICEMEN BENEFITS—PRIOR SERVICE.

AN ACT relating to pensions for retired police officers and their widows; adding a new section to chapter 39, Laws of 1909, as last amended by chapter 84, Laws of 1957, and to chapter 41.20 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 39, Laws of New section. 1909, as last amended by chapter 84, Laws of 1957, and to chapter 41.20 RCW, a new section to read as follows:

Any person affected by this chapter who was a member of a police organization operated by a private enterprise which police organization shall be hereafter acquired before September 1, 1959, by a

Credit for membership in private organization acquired by first class city.

city of the first class as its police department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such police organization, shall have added to his period of employment as computed under this chapter his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such police organization at the time of its acquisition by the city of the first class and who remain in the service of that city until this chapter shall become applicable to such persons.

No such person shall have added to his period of employment as computed under this chapter his period of service with said private enterprise unless he or a third party shall pay to the city his contribution for the period of such service with the private enterprise, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the city to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added service by the amount of those private pension or retirement benefits received. The rate of such contribution shall be two percent of the wage or salary of such person during that added period of service with the private enterprise before midnight, June 8, 1955, and four and one-half percent of such wage or salary after midnight, June 8, 1955. Such contributions shall be paid into the police relief and pension fund and shall be held subject to the provisions of RCW 41.20.150, except that all such contributions shall be deemed to have been made after June 8, 1955. Such contributions may be invested in investments permitted by RCW 35.39.040 and may be kept invested until required to meet payments of benefits to such persons.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the police relief and pension fund to assume its obligations.

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

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. Emergency.

Passed the House February 13, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 72.

[H. B. 372.]

CONVEYANCE OF LAND BY HIGHWAY COMMISSION— DOUGLAS COUNTY.

AN ACT authorizing and directing the Washington state highway commission to set aside or convey certain lands in Douglas county to the state parks and recreation commission; and declaring an emergency.

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

SECTION 1. The Washington state highway commission is authorized and directed to set aside or convey to the state parks and recreation commission so much of certain lands presently owned or to be acquired by the highway commission situated in Douglas county and lying along the eastern shore of the Columbia river, north of the community of Lands to be conveyed.

Description.

East Wenatchee, as will not be required for highway purposes.

Park purposes.

Price.

The state parks and recreation commission is authorized and directed to accept such lands, to improve them for park and recreation purposes and to pay to the Washington state highway commission such price for such lands as shall be mutually agreed upon between the director of highways and the director of parks and recreation: *Provided*, That such price shall not exceed the price at which such lands were acquired including all expenses of acquisition by the highway commission.

Emergency.

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 11, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 73.

[H. B. 62.]

JURORS' FEES.

AN ACT relating to fees of jurors; and amending section 2, chapter 51, Laws of 1951 and RCW 2.36.150.

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

RCW 2.36.150 amended.

SECTION 1. Section 2, chapter 51, Laws of 1951 and RCW 2.36.150 are each amended to read as follows:

Compensation of jurors.

Each grand and petit juror shall receive for each day's attendance upon the superior or any inferior court in the state of Washington, besides mileage, ten dollars; for each day's attendance upon a justice of the peace court, four dollars; and for serving on a coroner's jury, per day, four dollars; mileage, each

way, per mile, ten cents: *Provided*, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances.

Passed the House February 26, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 74.

[H. B. 145.]

COLUMBIA RIVER GORGE COMMISSION.

AN ACT creating the Columbia River Gorge commission; defining terms; prescribing duties and powers therefor; and establishing the Columbia River Gorge commission account.

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

SECTION 1. As used in this act unless the context requires otherwise, "Commission" means the Columbia River Gorge commission.

"Commission" defined.

SEC. 2. There is hereby created a non-partisan and non-salaried commission to be known as the Columbia River Gorge commission consisting of three members who are residents of Skamania, Klickitat and Clark counties respectively, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1 of the year of appointment; provided the first members shall be appointed, one for two years, one for four years, and one for six years. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

Commission created.

Terms.

Vacancies.

SEC. 3. For the purpose of preserving, developing and protecting, the recreational, scenic and historic areas of the Columbia River Gorge, the com-

Purpose.

mission is directed to prepare a comprehensive plan including boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning, regulations and other features necessary to accomplish the transition of the Columbia River Gorge to a state recreational area. Said plan shall first be submitted to the governor for his consideration and approval.

Commission
duties and
powers.

SEC. 4. The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this act.

(4) To cooperate with other agencies and political subdivisions of the state, the state of Oregon, the federal government, private organizations and individuals to the extent necessary to carry out the provisions of this act.

(5) To receive any gifts, either *inter vivos* or testamentary in character.

Moneys
into account.

SEC. 5. All moneys, from whatever sources, including moneys received by gift, bequest or contribution, shall be paid into the state treasury for deposit to the Columbia River Gorge commission account. The expenditures of the commission shall be made from this account upon vouchers approved by the commission: *Provided*, That moneys received from gifts may be expended in accordance with the terms thereof.

Passed the House February 26, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 75.

[H. B. 287.]

CANALS AND DITCHES—SAFEGUARDS.

AN ACT relating to the public health and safety; authorizing the establishment of improvement districts by cities or towns, counties, and irrigation districts for the safeguarding of the public from the hazards of open canals or ditches; declaring an emergency; amending section 10, chapter 162, Laws of 1917, as last amended by section 1, chapter 171, Laws of 1941, and RCW 87.36.010; amending section 35, chapter 192, Laws of 1951, as amended by section 3, chapter 152, Laws of 1953, and RCW 36.88.350; amending section 1, chapter 152, Laws of 1953 and RCW 36.88.015; amending section 2, chapter 144, Laws of 1957 and RCW 35.43.040; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.44 RCW; adding three new sections to chapter 36.88 RCW; and adding a new section to chapter 87.36 RCW.

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

SECTION 1. Section 2, chapter 144, Laws of 1957 and RCW 35.43.040 are each amended to read as follows:

RCW 35.43.040 amended.

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those listed below to be constructed, reconstructed, repaired, or renewed and the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

Authority generally.

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, rema-

Local im-
provements—
Authority
generally.

cadamizing, graveling, regravelling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto. In distributing assessments in the case of trunk sewers there shall be levied against the property lying between the termini of the improvement and back to the middle of the blocks along the marginal lines of the area improved such amounts as would represent the reasonable cost of a local sewer and its appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such sewer in an easement across private property as a part of a sewer system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such sewer were constructed in a public street;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

- (9) Parks and playgrounds;
- (10) Sidewalks, curbing, and crosswalks;
- (11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services. In distributing assessments in the case of trunk water mains there shall be levied against the property lying between the termini of the improvement and back to the middle of the block along the marginal lines of the area improved, such amounts as would represent the reasonable cost of a local water main and appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such water main in an easement across private property as a part of a water main system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such water main were constructed in a public street;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof. In distributing assessments in the case of any improvements within this subsection there shall be levied against all property lying within the improvement district such amounts as are required to pay all costs of the improvement, and it is presumed that all residential property and

Safeguards
along or
over open
canals or
ditches.

all land occupied by apartment buildings, trailer parks, and every other structure where persons regularly or from time to time or temporarily reside, and all property in public ownership devoted to the public use, and all places where children congregate for any purpose, and all state granted school land, and federal land subject to such conditions as congress may prescribe, lying within the local improvement is specially benefited by the removal of open canal hazards and subject to assessment therefor: *Provided*, That this shall not prevent other and different land from being included and subject to assessment.

New section.

SEC. 2. There is added to chapter 35.43 RCW a new section to read as follows:

Cities and towns—
Safeguards for open canals or ditches.

Every city or town shall have the right of entry upon all irrigation, drainage, or flood control canal or ditch rights of way within its limits for all purposes necessary to safeguard the public from the hazards of such open canals or ditches, and the right to cause to be constructed, installed, and maintained upon or adjacent to such rights of way safeguards as provided in RCW 35.43.040: *Provided*, That such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof. The city or town, at its option, notwithstanding any laws to the contrary, may require the irrigation, drainage, flood control, or other district agency, person, corporation, or association maintaining the canal or ditch to supervise the installation and construction of such safeguards, or to maintain the same. If such option is exercised reimbursement must be made by the city or town for all actual costs thereof.

New section.

SEC. 3. There is added to chapter 35.44 RCW a new section to read as follows:

Ascertaining assessments.

As an alternative to other methods of ascertaining assessments for local improvements, in a local im-

provement district established for safeguarding open canals or ditches, the district may be sectioned into subdivisions or zones paralleling the canal or ditch, numbered respectively, first, second, third and fourth. Each subdivision shall be equal to one-quarter of the width of the district as measured back from the margin of the canal right of way. The rate of assessment per square foot in each subdivision so formed shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, and fourth, respectively, are related to each other as are the numbers, forty, thirty, twenty, and ten, respectively, and shall be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, and fourth, respectively, and the numbers forty, thirty, twenty, and ten, respectively, shall be ascertained;

(2) The aggregate sum thereof shall be divided into the total cost and expense of the local improvement;

(3) The resultant quotient multiplied by forty, thirty, twenty, and ten, respectively, shall be the respective rate of assessment per square foot for each subdivision.

SEC. 4. Section 1, chapter 152, Laws of 1953 and RCW 36.88.015 are each amended to read as follows:

All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from the hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any

RCW 36.88.015
amended.

County road
improvement
districts—
Safeguards
for open
canals or
ditches
authorized.

part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for any such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the roads within the area to be so improved shall be at least six: *Provided further*, That said exception shall not apply to improvements for the purpose of protecting against open canal dangers.

New section.

SEC. 5. There is added to chapter 36.88 RCW a new section to read as follows:

Ascertaining assessments.

Whenever a county road improvement district is established for the safeguarding of open canals or ditches as authorized by RCW 36.88.015 the rate of assessment per square foot in the district may be determined by any one of the methods provided in chapter 35.44 RCW for similar improvements in cities or towns, and the land specially benefited by such improvements shall be the same as provided in chapter 35.43 RCW for similar improvements in cities or towns.

New section.

SEC. 6. There is added to chapter 36.88 RCW a new section to read as follows:

Counties—
Right of
entry for
safeguarding
open ditches.

Every county shall have the right of entry upon every irrigation, drainage, or flood control canal or ditch right of way within its boundaries for all purposes necessary to safeguard the public from the hazards of open canals or ditches, including the right to clean such canals or ditches to prevent their flooding adjacent lands, and the right to cause to be constructed and maintained on such rights of way or adjacent thereto safeguards as authorized by RCW 36.88.015: *Provided*, That such safeguards must not

unreasonably interfere with maintenance of the canal or ditch or with the operation thereof.

SEC. 7. There is added to chapter 36.88 RCW a **New section.** new section to read as follows:

Any county, establishing a road improvement district for canal protection, notwithstanding any laws to the contrary, may require the district, agency, person, corporation, or association, public or private, which operates and maintains the canal or ditch to supervise the installation and construction of safeguards, and must make reimbursement to said operator for all actual costs incurred and expended. **Operator to supervise—Reimbursement.**

SEC. 8. Section 35, chapter 192, Laws of 1951, as amended by section 3, chapter 152, Laws of 1953, and RCW 36.88.350 are each amended to read as follows: **RCW 36.88.350 amended.**

After the completion of any construction or improvement under this chapter, all maintenance thereof shall be performed by the county at the expense of the county road fund, excepting furnishing electric energy for and operating and maintaining street and road lighting systems: *Provided*, That maintenance of canal protection improvements may, at the option of the board of commissioners of the county, be required of the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch. If such option is exercised reimbursement must be made by the county for all actual costs of such maintenance. **Maintenance—Expense.**

SEC. 9. Section 10, chapter 162, Laws of 1917, as last amended by section 1, chapter 171, Laws of 1941, and RCW 87.36.010 are each amended to read as follows: **RCW 87.36.010 amended.**

Any desired special construction, reconstruction, betterment or improvement or purchase or acquisition of improvements already constructed, for any **Local improvement districts within irrigation districts—Petition.**

**Safeguarding
open ditches.**

authorized district service, including but not limited to the safeguarding of open canals or ditches for the protection of the public therefrom, which are for the special benefit of the lands tributary thereto and within an irrigation district may be constructed or acquired and provision made to meet the cost thereof as follows:

The holders of title or evidence of title to one-quarter of the acreage proposed to be assessed, may file with the district board their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. The petition shall be accompanied by a bond in the sum of one hundred dollars with surety to be approved by the board, conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if it is not established. The board may at any time require a bond in an additional sum. Upon the filing of the petition the board with the assistance of a competent engineer, shall make an investigation of the feasibility, cost, and need of the proposed local improvement together with the ability of the lands to pay the cost, and if it appears feasible, they shall have plans and estimate of the cost prepared. If a protest against the establishment of the proposed improvement signed by a majority of the holders of title in the proposed local district is presented at or before the hearing, or if the proposed improvement should be found not feasible, too expensive, or the lands to be benefited insufficient security for the costs, they shall dismiss the petition at the expense of the petitioners.

New section.

SEC. 10. There is added to chapter 87.36 RCW a new section to read as follows:

**Safeguarding
local ditches—
Assessments.**

Whenever a local improvement district is established within an irrigation district for the safeguarding of the public from the dangers of open canals

or ditches the rate of assessment per square foot in the local district may be determined by any of the methods provided for assessment of similar improvements in cities or towns in chapter 35.44 RCW, and the lands specially benefited by such improvements shall be the same as provided in chapter 35.43 RCW for similar improvements in cities or towns.

SEC. 11. 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. Emergency.

Passed the House February 26, 1959.

Passed the Senate February 25, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 76.

[H. B. 109.]

CITIES—COUNCIL-MANAGER PLAN.

AN ACT relating to cities and towns; amending section 3, chapter 337, Laws of 1955 and RCW 35.18.020; amending section 1, chapter 271, Laws of 1943 and RCW 35.18.230; amending section 11, chapter 271, Laws of 1943 and RCW 35.18.180; amending section 23, chapter 337, Laws of 1955 and RCW 35.18.250; and amending section 12, chapter 337, Laws of 1955 and RCW 35.18.270.

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

SECTION 1. Section 3, chapter 337, Laws of 1955 and RCW 35.18.020 are each amended to read as follows:

RCW 35.18.020 amended.

The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the state census board as follows:

Number of councilmen—
Terms—
Vacancies.

(1) A city or town having not more than two thousand inhabitants, five councilmen;

Number of
councilmen
—Terms—
Vacancies.

(2) A city having more than two thousand, seven councilmen.

All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified: *Provided, however,* That at the first election, the following shall apply:

(a) At the first election, one councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term and until their successors are elected and qualified.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term and until their successors are elected and qualified.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered. When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding state census board population determination after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen

are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term.

If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

In the event such population determination as provided in this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term: *Provided*, That should said population determination result in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election.

SEC. 2. Section 1, chapter 271, Laws of 1943 and RCW 35.18.230 are each amended to read as follows:

RCW 35.18.230 amended.

Any city or town having a population of less than thirty thousand may be organized as a council-manager city or town under this act.

Eligibility to organize.

SEC. 3. Section 11, chapter 271, Laws of 1943 and RCW 35.18.180 are each amended to read as follows:

RCW 35.18.180 amended.

No ordinance, resolution, or order, including those granting a franchise or valuable privilege, shall have any validity or effect unless passed by the affirmative vote of at least a majority of the members of the city or town council. Every ordinance or resolution adopted shall be signed by the mayor or two members, filed with the clerk within two days and by him recorded.

Ordinances—Record.

RCW 35.18.250
amended.

SEC. 4. Section 23, chapter 337, Laws of 1955 and RCW 35.18.250 are each amended to read as follows:

Organiza-
tion—Election
procedure.

Upon the filing of a petition for the adoption of the council-manager plan of government, or upon resolution of the council to that effect, the mayor, only after the petition has been found to be valid, by proclamation issued within ten days after the filing of the petition or the resolution with the clerk, shall submit the question at a special election to be held at a time specified in the proclamation, which shall be as soon as possible after the sufficiency of the petition has been determined or after the said resolution of the council has been enacted, but in no event shall said special election be held during the ninety day period immediately preceding any regular municipal election therein. All acts necessary to hold this election, including legal notice, jurisdiction and canvassing of returns, shall be conducted in accordance with existing law.

RCW 35.18.270
amended.

SEC. 5. Section 12, chapter 337, Laws of 1955 and RCW 35.18.270 are each amended to read as follows:

Organization
—Election
of council.

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality: *Provided*, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately following the canvass of votes as certified and shall remain in office until their successors are elected and qualified. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-

manager plan for cities and towns shall be filed with the city or town clerk as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

Passed the House February 27, 1959.

Passed the Senate February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 77.

[S. B. 1.]

WASHINGTON STATE UNIVERSITY DESIGNATED.

AN ACT relating to changing the designation of the State College of Washington to Washington State University; and amending section 1, chapter 53, Laws of 1905 and RCW 28.80.010.

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

SECTION 1. Section 1, chapter 53, Laws of 1905 and RCW 28.80.010 are each amended to read as follows:

RCW 28.80.010
amended.

The state agricultural college and school of science as located and established in the city of Pullman, Whitman county, shall be designated Washington State University.

Washington
State Uni-
versity.

SEC. 2. The effective date of this act shall be September 1, 1959.

Effective
date.

Passed the Senate February 3, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 4, 1959.

CHAPTER 78.

[S. B. 105.]

POLICEMEN BENEFITS.

AN ACT relating to municipal corporations; providing certain pensions and benefits for members of police departments of first class cities, and their surviving spouses and children; adding two new sections to chapter 39, Laws of 1909 and to chapter 41.20 RCW; amending section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060; amending section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080; amending section 8, chapter 39, Laws of 1909 as last amended by section 4, chapter 24, Laws of 1937 and RCW 41.20.090; amending section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 69, Laws of 1955 and RCW 41.20.120; and amending section 3, chapter 39, Laws of 1909 as last amended by section 8, chapter 69, Laws of 1955 and RCW 41.20.130.

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

New section.

SECTION 1. There is added to chapter 39, Laws of 1909 and to chapter 41.20 RCW a new section to read as follows:

Definitions.

As used in chapter 41.20 RCW:

"Rank."

(1) "Rank" means civil service rank.

"Position."

(2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.

(3) Words importing masculine gender shall extend to females also.

New section.

SEC. 2. There is added to chapter 39, Laws of 1909 and to chapter 41.20 RCW a new section to read as follows:

Pension on death before or after retirement.

Whenever any member of the police department of any such city, or whenever any such member who is hereafter retired for length of service or a disability, shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon

satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during his life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: *Provided*, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless he has been married to such officer for a period of at least five years prior to the date of his retirement.

SEC. 3. Section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050 are each amended to read as follows:

RCW 41.20.050
amended.

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years or more, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary

Pension
on retirement
for years of
service.

attached to the position held by the retired member for the year preceding the date of his retirement: *Provided*, That no pension shall exceed an amount equivalent to one-half the salary of captain and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Any person affected by this chapter 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 chapter, his period of war service in the armed forces, but such credited service shall not exceed five 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 RCW 41.20.130.

Note: See also section 1, chapter 6, Laws of 1959.

RCW 41.20.060
amended.

SEC. 4. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060 are each amended to read as follows:

Pension on
retirement
for disability.

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to one-half of the amount of salary attached to the position

which he held in the department at the date of his retirement, but not to exceed an amount equivalent to one-half the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

Note: See also section 2, chapter 6, Laws of 1959.

SEC. 5. Section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080 are each amended to read as follows:

RCW 41.20.080
amended.

Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: *Provided*, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Pension on
death of
policeman
through
violence.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

Note: See also section 3, chapter 6, Laws of 1959.

RCW 41.20.090 amended.

SEC. 6. Section 8, chapter 39, Laws of 1909 as last amended by section 4, chapter 24, Laws of 1937 and RCW 41.20.090 are each amended to read as follows:

Payment on natural death before or after retirement.

Whenever any member of the police department of such city shall, after five years of service in said department, die, his surviving spouse or, if there is no surviving spouse, the child or children under the age of eighteen years, or if there is no surviving spouse or child or children, then his parents or unmarried sister or sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this chapter.

RCW 41.20.120 amended.

SEC. 7. Section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 69, Laws of 1955 and RCW 41.20.120 are each amended to read as follows:

Sick benefits.

Whenever any member of the police department, on account of sickness or disability, suffered or sustained while a member of the department, and not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined in any hospital or in his home and, whether or not so confined, requires nursing, care, or attention, the board shall pay the necessary hospital, care, and nursing expenses of such member out of the fund. The salary of such member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the board, for a period not exceeding six months,

after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board shall designate the hospital and medical services available to such sick or disabled policeman.

SEC. 8. Section 3, chapter 39, Laws of 1909 as last amended by section 8, chapter 69, Laws of 1955 and RCW 41.20.130 are each amended to read as follows:

RCW 41.20.130
amended.

There is created in each city subject to the provisions of this chapter a police relief and pension fund. The fund shall be constituted as follows:

Fund created.

A sum equal to six percent thereof shall be deducted monthly from the salary of each police officer by the city treasurer and placed in the fund, but the maximum deduction shall not exceed six percent of the monthly salary of captain.

At the time the annual tax levy of the city is made, the city council, or other legislative body, shall order the transfer of an amount of money into the fund, sufficient with the salary deductions, to meet the financial requirements thereof:

(1) From moneys collected or received from all licenses issued;

(2) From fines and forfeitures collected or received in money for violation of city ordinances.

Passed the Senate February 20, 1959.

Passed the House March 1, 1959.

Approved by the Governor March 5, 1959.

CHAPTER 79.

[S. B. 86.]

URBAN RENEWAL—BONDS.

AN ACT relating to the Urban Renewal Law; authorizing the issuance of general obligation bonds; and adding a new section to chapter 42, Laws of 1957 and to chapter 35.81 RCW.

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

New section.

SECTION 1. There is added to chapter 42, Laws of 1957, and to chapter 35.81 RCW a new section to read as follows:

General obligation bonds authorized.

For the purposes of this chapter a municipality may (in addition to any authority to issue bonds pursuant to RCW 35.81.100) issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

Passed the Senate February 12, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 80.

[S. B. 152.]

CITIES—LEASE OF SPACE—OPTION TO PURCHASE.

AN ACT relating to the acquisition of sites, construction and financing of buildings for cities and towns, and the leasing and acquisition thereof by cities and towns.

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

Purpose.

SECTION 1. It is the purpose of this act to supplement existing law for the leasing of space by cities and towns to provide for the leasing of such space

through leases with an option to purchase and the acquisition of buildings erected upon land owned by a city or town upon the expiration of a lease of such land.

SEC. 2. The term "building" as used in this act shall be construed to mean any building or buildings used as a part of, or in connection with, the operation of a city or town, and shall include the site and appurtenances, including but not limited to, heating facilities, water supply, sewage disposal, landscaping, walks, and drives.

"Building" defined.

SEC. 3. Any city or town may, as lessee, lease a building for its use for a term of not to exceed fifty years.

Term limitation.

SEC. 4. A lease of a building executed pursuant to this act may grant the lessee city or town an option to renew for a further term on like conditions, or an option to purchase the building covered by the lease at any time prior to the expiration of the term. A lease with an option to purchase shall provide that all sums paid as rent up to the time of exercising the option shall be credited toward the payment of the purchase price as of the date of payment. No lease shall provide, nor be construed to provide, that any city or town shall be under any obligation to purchase the leased building.

Option to renew.

Option to purchase.

SEC. 5. A lease of a building may provide that as a part of the rental, the lessee city or town may pay taxes and assessments on the leased building, maintain insurance thereon for the benefit of the lessor, and assume responsibilities for repair, replacement, alterations, and improvements during the term of the lease.

Permitted covenants in lease.

SEC. 6. A city or town may, in anticipation of the acquisition of a site and the construction of a building, execute a lease, as lessee, prior to the actual acquisition of a site and the construction of a build-

Lease prior to occupancy permitted.

Bond.

ing, but the lease shall not require payment of rental by the lessee until the building is ready for occupancy. The lessor shall furnish a bond satisfactory to the lessee conditioned on the delivery of possession of the completed building to the lessee city or town at the time prescribed in the lease, unavoidable delay excepted. The lease shall provide that no part of the cost of construction of the building shall ever become an obligation of the lessee city or town.

Lease and lease-back agreements authorized.

SEC. 7. Any city or town desiring to have a building for its use erected on land owned, or to be acquired, by it, may, as lessor, lease the land for a reasonable rental for a term of not to exceed fifty years: *Provided*, That the city or town shall lease back the building or a portion thereof for the same term. The leases shall contain terms as agreed upon between the parties, and shall include the following provisions:

Covenants in leases.

(1) No part of the cost of construction of the building shall ever be or become an obligation of the city or town.

(2) The city or town shall have a prior right to occupy any or all of the building upon payment of rental as agreed upon by the parties, which rental shall not exceed prevailing rates for comparable space.

(3) During any time that all or any portion of the building is not required for occupancy by the city or town, the lessee of the land may rent the unneeded portion to suitable tenants approved by the city or town.

(4) Upon the expiration of the lease, all buildings and improvements on the land shall become the property of the city or town.

Bids, lease and lease-back agreement—Notice.

SEC. 8. A lease and lease back agreement requiring a lessee to build on city or town property shall be made pursuant to a call for bids upon terms

most advantageous to the city or town. The call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper of the city or town once each week for two consecutive weeks before the date fixed for opening the bids. If there is no official newspaper, the notice shall be published in a newspaper of general circulation in the city or town. The city council or commission of the city or town may by resolution reject all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the city council or commission may readvertise and make a second call, or may execute a lease without any further call for bids.

SEC. 9. All leases executed pursuant to this act shall be exempt from the tax imposed by chapter 19, Laws of 1951 second extraordinary session, as amended, and chapter 28.45 RCW; section 5, chapter 389, Laws of 1955, and RCW 82.04.040; and section 9, chapter 178, Laws of 1941, and RCW 82.08.090, and by rules and regulations of the tax commission issued pursuant thereto.

Leases ex-
empted from
certain taxes.

Passed the Senate February 13, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 81.

[S. B. 364.]

MOTOR VEHICLE OPERATORS' LICENSE
FEES—DISPOSITION.

AN ACT relating to motor vehicle operators' license fees and the disposition thereof; and amending section 71, chapter 188, Laws of 1937, as last amended by section 2, chapter 294, Laws of 1957, and RCW 46.68.040.

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

RCW 46.68.040 amended.

SECTION 1. Section 71, chapter 188, Laws of 1937, as last amended by section 2, chapter 294, Laws of 1957, and RCW 46.68.040 are each amended to read as follows:

Disposition of fees—Support of state parks.

The director shall forward all funds accruing under the provisions of chapter 46.20 to the state treasurer, together with a proper identifying, detailed report. The state treasurer shall deposit such moneys to the credit of the highway safety fund, except that out of each fee of four dollars collected for a vehicle operator's license the sum of two dollars and twenty cents shall be paid into the state parks and parkways account to be used for carrying out the provisions of chapter 43.51 RCW and for no other purpose except as hereinafter provided. All expenses incurred in carrying out the provisions of chapter 46.20 relating to vehicle operators' licenses shall be paid from the highway safety fund and not to exceed fifty thousand dollars in a biennium from the state parks and parkways account of the general fund as by appropriation provided.

Passed the Senate February 19, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 82.

[Sub. S. B. 6.]

CITIES—MINIMUM HOUSING STANDARDS.

AN ACT relating to cities and towns; defining terms; authorizing cities and towns to enact an ordinance for the repair, closing and demolition of dwellings unfit for human habitation, and buildings and structures unfit for use; to provide for the administration and enforcement thereof; to prescribe minimum standards for the use and occupancy of dwellings, buildings, and structures; and permitting the expenditure of public money therefor.

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

SECTION 1. It is hereby found that there exist, in municipalities of the state, dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities.

Legislative
declaration.

It is further found and declared that the powers conferred by this act are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

SEC. 2. The following terms, however used or referred to in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

Definitions

(1) "Board" shall mean the improvement board as provided for in section 3 (1) (a);

"Board."

(2) "Local governing body" shall mean the council or other legislative body charged with governing the municipality;

"Local
governing
body."

"Municipality."

(3) "Municipality" shall mean any incorporated city or town in the state;

"Public officer."

(4) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulation, or other activities concerning dwellings, buildings, and structures in the municipality.

Permissible ordinances
—Appeals.

SEC. 3. (1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in section 1 hereof exist within the municipality, said governing body may adopt ordinances relating to such dwellings, buildings, or structures within the municipality. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board, or officer, in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by registered mail upon all persons hav-

ing any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper published in the municipality, or in the absence of such newspaper, it shall be posted in three public places in the municipality in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that con-

Permissible
ordinances—
Appeals.

ditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7) (a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1) (c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwell-

ling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper on the basis of the standards set forth as required in subdivision (1) (e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith, and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party of interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

Permissible
ordinances—
Appeals.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. The county treasurer, upon certification to him by the treasurer of the municipality of the assessment amount being due and owing, shall enter the amount of such assessment upon the tax rolls against the property for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest (not to exceed six percent) and penalties, and when collected shall be deposited to the credit of the general fund of the municipality: *Provided*, That if the total assessment due and owing exceeds twenty-five dollars the local governing body shall, upon written request of the owner or party in interest, divide the amount due into ten equal annual installments, subject to earlier payment at the option of owner or party in interest. If the dwelling, building, or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties en-

titled thereto, as determined by the board or officer, after deducting the cost incident thereto.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1) (f) hereof may, within thirty days after the posting and service of the order, petition the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard *de novo*.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) to determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this act may ap-

appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

Discrimination prohibited.

SEC. 4. For all the purposes of this act and the ordinances adopted as provided herein, no person shall, because of race, creed, color, or national origin, be subjected to any discrimination.

Severability.

SEC. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 83.

[S. B. 87.]

COUNTY ROAD FUNDS FOR TOWN STREETS.

AN ACT relating to the expenditure of county road funds on town streets in certain instances; and adding a new section to chapter 36.75 RCW.

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

SECTION 1. There is added to chapter 36.75 RCW New section. a new section to read as follows:

Whenever any street in any town, having a population of less than one thousand persons, forms an extension of a county road of the county in which such town is located, and where the board of county commissioners of such county and the governing body of such town, prior to the commencement of any work, have mutually agreed and each adopted a resolution setting forth the nature and scope of the work to be performed and the share of the cost or labor which each shall bear, such county may expend county road funds for construction, improvement, repair, or maintenance of such street. County road funds used on town street.

Passed the Senate February 17, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 84.

[Sub. S. B. 109.]

BARBERING.

AN ACT relating to barbering; repealing section 18, chapter 75, Laws of 1923 and RCW 18.15.180; adding two new sections to chapter 75, Laws of 1923 and to chapter 18.15 RCW; amending section 6, chapter 75, Laws of 1923 as last amended by section 3, chapter 16, Laws of 1951 and RCW 18.15.050; amending section 5, chapter 75, Laws of 1923 as last amended by section 2, chapter 101, Laws of 1957 and RCW 18.15.100; amending section 7, chapter 209, Laws of 1929 as amended by section 6, chapter 51, Laws of 1949 and RCW 18.15.110; and amending section 13, chapter 101, Laws of 1957 and RCW 18.15.125.

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

SECTION 1. Section 18, chapter 75, Laws of 1923 and RCW 18.15.180 are each repealed.

New section.

SEC. 2. There is added to chapter 75, Laws of 1923 and to chapter 18.15 RCW a new section to read as follows:

Barber college location license—Fee.

After July 1, 1959, it shall be unlawful for any firm, corporation, or person to operate a barber school or college without a license for each location. Application therefor shall be made to the director of licenses. Each application for a license shall be accompanied by a fee of one hundred dollars.

Upon receipt of the application and fee, the director shall issue a location license, if the barber school or college meets the requirements of this chapter. Each license shall be issued for the school or college and persons named in the application and shall be transferable. Whenever a registered school or barber college is discontinued the person to whom the registration is issued shall notify the director of such action and shall return to the director the certificate of registration of such school or barber college within ten days.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee of one hundred dollars. Failure to obtain a renewal before delinquency shall work a forfeiture of the location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee of seventy-five dollars.

SEC. 3. There is added to chapter 75, Laws of 1923 and to chapter 18.15 RCW a new section to read as follows:

New section.

After July 1, 1959, it shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of licenses. Each application for a license shall be accompanied by a fee of two dollars.

Barber shop
location
license—Fee.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe. Upon the receipt of the application form and a fee of two dollars, the director shall assign or transfer the shop location license, if the assignee or transferee meets the requirements of this chapter.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee of two dollars. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop

location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee of two dollars.

RCW 18.15.050 amended.

SEC. 4. Section 6, chapter 75, Laws of 1923 as last amended by section 3, chapter 16, Laws of 1951 and RCW 18.15.050 are each amended to read as follows:

Examinations.

Barber examinations shall be held at least six times in each year on one or more of the first ten days in the months of February, April, June, August, October and December; and on such particular dates, within the said times, and in such particular cities and places as the director of licenses shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take a written examination in sanitation and sterilization as applied to the practice of barbering, and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin and scalp, to avoid spreading thereof in the practice of barbering; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Time and place.

Scope.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures an average grade of not less than seventy-five percent in his written examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to

Permit.

him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one year under the direct instruction of a licensed barber. He must then pass a final examination not less than seventy-five percent of perfect and possess the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering. License.

Any applicant under the provisions of RCW 18.15.040 who secures an average grade of not less than seventy-five percent in his written examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee of five dollars, and which reexamination fee shall be paid at the time of such reexamination. Reexamination—Fee.

SEC. 5. Section 5, chapter 75, Laws of 1923 as last amended by section 2, chapter 101, Laws of 1957 and RCW 18.15.100 are each amended to read as follows: RCW 18.15.100 amended.

It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this chapter unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this chapter. Any per- Student barbers. Student certificate.

son of good moral character, free from contagious or infectious disease, at least sixteen years of age, and holding a diploma showing graduation from an eighth grade grammar school or has an equivalent education as determined by the director whose determination shall be conclusive, shall be deemed qualified to make application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college. Application therefor shall be made to the director of licenses. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens of this state that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee of one dollar, which fee shall accompany his application. The director of licenses upon the receipt of such application and fee shall issue to such qualified applicant a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to renewal annually thereafter upon the payment of a fee of one dollar: *Provided*, That any student barber holding (1) a valid student barber certificate, and (2) a graduation certificate from any barber school or barber college authorized under this chapter shall be deemed qualified to make application for a permit to practice barbering in this state. Application therefor shall be made to the director of licenses. Each such applicant shall pay a fee of ten dollars, which fee shall accompany his application. The director of licenses upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is

Certificate
fee.

Application
for barber's
permit—Fee.

to appear for his examination for a permit to practice barbering in this state.

SEC. 6. Section 7, chapter 209, Laws of 1929 as amended by section 6, chapter 51, Laws of 1949 and RCW 18.15.110 are each amended to read as follows:

RCW 18.15.110
amended.

It shall be unlawful for any barber school or barber college authorized under this chapter to grant admission to or instruct any person in the practice of barbering therein unless such person then holds a valid student barber certificate issued under this chapter. Every such barber school or barber college shall require as a prerequisite to graduation therefrom the completion of a course of instruction and practice therein of not less than one thousand hours, to be completed in not less than six months' time from the date of the admission of such barber student. Such course of instruction and practice shall include, in addition to the subjects and practice hereinbefore prescribed, instruction in the following subjects: (1) Scientific fundamentals of barbering, as set forth with particularity in the latest revised edition of either of the following textbooks: (a) "Standardized Textbook of Barbering," published by the Associated Master Barbers of America, Chicago, Illinois, or (b) "Textbook of Practical and Scientific Barbering," published by the Journeymen Barbers, Educational Department, Indianapolis, Indiana; (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; and (4) coloring and bleaching the hair. Each student barber upon the completion of the said prescribed course of instruction and practice shall be issued a graduation certificate from such barber school or barber college. Each such graduate student shall be furnished a certified copy of his graduation certificate by such barber school or barber college for his use in filing his application for a permit to practice barbering in this state as hereinbefore provided.

Student
barbers—
Course of
instruction.

Certificate.

RCW 18.15.125 amended.

Inspections by examining committee.

SEC. 7. Section 13, chapter 101, Laws of 1957 and RCW 18.15.125 are each amended to read as follows:

The examining committee shall arrange with the director for the employment of one or more inspectors who shall have the same qualifications as a committee member. The secretary of the committee shall have the right to inspect any barber shop or barber school. Any member, agent, or assistant of the committee, when authorized by the committee, may enter any such shop or school during business hours for the purpose of inspection. Every new barber shop, school or college shall be inspected before being opened for business. If no inspection is made by the committee within fifteen days after receipt by the director of an application for a location license, the new shop, school or college may open for business and remain open unless, upon inspection, the shop, school or college fails to meet the standards set forth in this chapter or in the rules and regulations of the director. The fee of such original inspection shall be twenty-five dollars.

Fee.

Passed the Senate February 13, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 85.

[S. B. 276.]

ALCOHOLISM.

AN Act relating to intoxicating liquors and alcoholism and transferring from the department of institutions to the department of health powers and duties relating thereto; creating a new chapter in Title 70 RCW; repealing sections 72.03.010 through 72.03.170, chapter 28, Laws of 1959, and RCW 72.03.010 through 72.03.170.

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

SECTION 1. The purpose of this act is to establish a state-wide program for the study, treatment and rehabilitation of persons suffering from alcoholism and those addicted to the use of alcoholic beverages, research into the causes and prevention of alcoholism and associated health problems, and public education relating thereto, by creating a program on alcoholism within the state department of health. The department shall coordinate the efforts of all affected state, county and local agencies; stimulate and develop educational and preventive programs, and promote the establishment of constructive agencies for such educational, preventive or referral programs and for the establishment and development of constructive agencies for treatment, rehabilitation and re-establishment in society of persons suffering from alcoholism or addicted to the use of alcoholic beverages.

SEC. 2. As used in this act:

(1) "Department" means the state department of health.

(2) "Alcoholism" includes the symptoms and problems of problem drinkers and alcoholics as herein defined.

(3) "Problem drinkers" are any drinkers of intoxicating liquors who indulge in drinking which in its extent habitually goes beyond the traditional and

customary dietary use, or the ordinary compliance with social drinking customs.

"Alcoholics."

(4) "Alcoholics" are those persons addicted to the excessive use of alcohol, and those problem drinkers whose dependence upon or addiction to alcohol has attained such a degree that it causes a noticeable mental disturbance or an interference with their bodily and mental health, their interpersonal relations, and their social and economic functioning.

"Patients."

(5) "Patients" is a general term meaning persons who are accepted for treatment under the provisions of this act.

Programs established.

SEC. 3. The state department of health shall establish a research, educational and treatment program for the rehabilitation of alcoholics and, for the purposes of this act, a treatment program includes both residential and outpatient facilities and services.

Powers and duties.

SEC. 4. The department is hereby authorized and empowered:

(1) To study alcoholism and its problems, including private and public methods and facilities available for care, custody, detention, treatment, employment and rehabilitation of persons who are alcoholics.

(2) To promote meetings and programs for the discussion of alcoholism or any of its aspects, disseminate information on the subject of alcoholism for the guidance and assistance of individuals, courts, and public and private agencies in the state, and for the prevention of alcoholism.

(3) To conduct, promote and finance, in full or in part, studies, investigations and research on the use and effect of alcohol, independently or in cooperation with universities and colleges, scientific organizations and other public or private agencies.

(4) To accept for examination, evaluation, diagnosis, guidance, referral, treatment and rehabili-

tation, insofar as funds permit, any resident of the state, coming to the department of his own volition or applying through his legal guardian if the applicant has been adjudicated incompetent, or to contract for any and all of these services. Resident, as used in this subdivision, means a person who has resided within the state continuously for one year immediately preceding the application.

Resident defined.

(5) To contract for services not under its control for the guidance, referral, emergency care, custody, treatment or rehabilitation of problem drinkers or alcoholic patients.

(6) To establish institutions, farms, or homes for alcoholics, or to contract for the services or use of existing institutions, farms, or homes for alcoholics or problem drinkers.

SEC. 5. The department shall utilize all available and suitable personnel and facilities under its jurisdiction and endeavor to obtain the services and facilities of personnel skilled in the treatment of alcoholism throughout the state.

Personnel.

SEC. 6. The department may, with the approval of the governor or his designated representative, acquire additional facilities for the purposes of this act by gift, loan, lease, or purchase: *Provided*, That prior to the acquisition of new or additional facilities the department shall conduct a survey of and search for potentially suitable facilities within the state and such survey and search shall include the investigation of federal, state, county, municipal and private facilities that are now or may in the future become available for state acquisition or use in connection with the department's alcoholism program.

Additional facilities authorized.

SEC. 7. The department may accept or refuse gifts or grants of property of every nature which are given by any federal, state, local or private agency or other source to promote the department's

Gifts or grants.

program on alcoholism, and any moneys donated or granted for this purpose shall be deposited in the general fund of the state treasury.

Cooperation
with other
agencies.

SEC. 8. The department shall cooperate with public and private agencies in its establishment of an alcoholism program and such cooperation may include the acceptance or grant of funds, acceptance or supplying of facilities and personnel and participation in every reasonable manner in promoting public and private programs for the treatment of alcoholism.

Regulations—
Public
records.

SEC. 9. For the purpose of carrying into effect the provisions of this act, the state board of health shall make such regulations not inconsistent with the spirit of this act as it deems necessary or advisable. All regulations so made shall be public records and filed in the office of the secretary of state.

Voluntary
admittance—
Application
for.

SEC. 10. Applications for voluntary admittance to the program on alcoholism shall be made to the department on forms to be provided by the department under such rules and regulations as the state board of health shall prescribe. Such application shall provide for consent to be given by the applicant, or by his guardian if the applicant has been adjudicated incompetent, to detention for the purposes of evaluation, diagnosis or treatment of alcoholism for a period of not less than one hundred and twenty days, if required by the department.

Admittance—
Release on
demand.

SEC. 11. If the department is satisfied, after examination of the applicant, that he is in need of treatment for alcoholism and will be benefited thereby, the department may admit the applicant to the treatment program for such period of time as the department shall deem necessary for the treatment and rehabilitation of such applicant: *Provided*, That any voluntary patient who personally, or through his legal guardian if the patient has been

adjudicated incompetent, makes written demand for release from the program shall be discharged no later than one hundred and twenty days after the date of making such demand.

SEC. 12. No officer or employee of the department or any of its contracting agencies shall be liable for the detention of any person voluntarily admitted to the program on alcoholism until the lapse of one hundred and twenty days following written demand for release made by the patient or by his legal guardian if the patient has been adjudicated incompetent, and then liability shall be incurred only if it be established that such detention was unreasonable and arbitrary.

Liability for detention, voluntary patients, when.

SEC. 13. In respect to any or all items of expense incurred by the department in connection with the referral, examination, evaluation, guidance, or custody of any of its patients, the department, insofar as possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient. The amount charged is to be in accordance with the schedule of charges made by other private or public institutions. The department may accept part payment in cases where there is satisfactory evidence that full payment cannot be paid; the department may accept any portion that can be paid and the balance arranged in payments when the patient is rehabilitated. The department is to pay such charges incurred for the care of the patient: *Provided*, That this act shall not interfere with the right of licensed private physicians, hospitals and sanatoria to enter into contracts with patients for the treatment of alcoholism respecting conditions, terms and compensations for such services.

Expenses—Reimbursement in whole or part.

SEC. 14. Collection of unpaid charges shall be enforceable by the state, through the department of

Collection of unpaid charges—Disposition.

health, by an action at law to be tried in the superior court of the county wherein the patient maintains his residence. All such charges and all collections by the department under this act shall be deposited in the general fund of the state treasury.

Financial responsibility unnecessary.

SEC. 15. The department shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

Severability.

SEC. 16. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

Transfer directed.

SEC. 17. The director of institutions is hereby authorized and directed to transfer to the department of health all books, documents, records, papers, files, furniture, cabinets, equipment, materials, and supplies now belonging to and used by the division on alcoholism of the department of institutions.

New chapter.

SEC. 18. Sections 1 through 17 shall constitute a new chapter in Title 70 RCW.

Repeal.

SEC. 19. Sections 72.03.010 through 72.03.170, chapter 28, Laws of 1959, and RCW 72.03.010 through 72.03.170 are each hereby repealed.

Passed the Senate February 17, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 6, 1959.

CHAPTER 86.

[S. B. 22.]

MUNICIPAL OFFICIALS—TIME OF TAKING OFFICE.

AN ACT relating to the time of taking office by municipal officials; amending section 1, chapter 163, Laws of 1949 and section 9, chapter 161, Laws of 1949, section 6, chapter 257, Laws of 1951 and RCW 29.13.050; amending section 9, chapter 55, Laws of 1955 and RCW 35.17.020; amending sections 3 and 4, chapter 241, Laws of 1907 as last amended by section 1, chapter 71, Laws of 1951, and RCW 35.23.040; amending section 7, chapter 241, Laws of 1907, as amended by section 2, chapter 71, Laws of 1951, and RCW 35.23.070; and amending section 6, chapter 55, Laws of 1955, section 3, chapter 365, Laws of 1955 and RCW 35.24.050.

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

SECTION 1. Section 1, chapter 163, Laws of 1949 and section 9, chapter 161, Laws of 1949, section 6, chapter 257, Laws of 1951 (formerly combined and codified as RCW 29.13.050) are each amended to read as follows:

RCW 29.13.050 amended.

The term of every city, town, and district officer, excepting school district officers, elected to office on the second Tuesday in March shall begin on the first Monday in April following his election. The term of every officer in first, second, and third class school districts shall begin on the twentieth day following his election. Each board of directors shall be organized at the first meeting held after a newly elected director takes office.

Terms—
Begin, when.

Board
organization.

SEC. 2. Section 9, chapter 55, Laws of 1955, and RCW 35.17.020 are each amended to read as follows:

RCW 35.17.020 amended.

All regular elections in cities organized under the commission form of government shall be held quadrennially and, shall be held on the second Tuesday of March in the even numbered years. The commissioners shall be nominated and elected at large. Their terms shall begin on the first Monday in April after their election, and shall continue for

Commission-
ers, commis-
sion form of
government—
Elections—
Terms—
Vacancies.

four years and until their successors are elected and qualified. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

There shall be no primary or general municipal election held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act (1955 c 55), shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March, 1958.

RCW 35.23.040
amended.

SEC. 3. Sections 3 and 4, chapter 241, Laws of 1907 as last amended by section 1, chapter 71, Laws of 1951 (heretofore combined and codified as RCW 35.23.040) are each amended to read as follows:

Second class
cities.

A general municipal election shall be held biennially in second class cities not operating under the commission form of government and shall be held on the second Tuesday in March of each even-numbered year. The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified. The officers elected at such municipal election shall take office on the first Monday of April following their election: *Provided*, That such city officers, except the police judge, elected to office at the election held during the year 1951, whose terms, but for this section, would have expired on the first Monday in June, 1953, shall remain in office until (1) at the regular election to be held on the second Tuesday of March, 1954, their successors have been elected, and (2) such successors have, upon the first Monday in June, 1954, or thereafter, qualified for the office: *Provided further*, That the police judge shall not be elected

Elections—
Officers, terms
of office.

for a two-year term until the regular election to be held during the year 1952.

SEC. 4. Section 6, chapter 55, Laws of 1955, and section 3, chapter 365, Laws of 1955 and RCW 35-.24.050 are each amended to read as follows:

RCW 35.24.050 amended.

General municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the second Tuesday in March in the even-numbered years. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That if the offices of city attorney and clerk are made appointive, the city attorney and clerk shall not be appointed for a definite term: *Provided further*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Third class cities. Elections—Terms of office.

A councilman-at-large shall be elected biennially for a two-year term; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years.

All officers elected at such election shall take office on the first Monday in April following the date of election. There shall be no primary or general elections held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act (1955 c 365), shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1958. There shall be no primary or general elections held in the year 1959 and the officers whose terms would have expired in 1959, but for the provisions of this act (1955 c 365), shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1960.

Assuming office under act.

SEC. 5. Persons elected to office under the provisions of this amendatory act shall not assume office until the terms of their predecessors have expired.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 7, 1959.

CHAPTER 87.

[S. B. 336.]

FOREST LANDS—REACQUISITION FROM FEDERAL GOVERNMENT.

AN ACT relating to forest lands; authorizing the reacquisition from the federal government of tax title lands; providing for the advance of funds from the forest development account by agreement between the board of natural resources and the board of county commissioners, and the repayment thereafter from future moneys due such county from said account; adding one new section to 76.12 RCW; and making an appropriation.

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

New section.

SECTION 1. There is hereby added to 76.12 RCW a new section to read as follows:

Reacquisition of forest lands —Agreements authorized.

Whenever any forest land which shall have been acquired by any county through the foreclosure of tax liens, or otherwise, and which shall have been acquired by the federal government either from said county or from the state holding said lands in trust, and shall be available for reacquisition, the state board of natural resources and the board of county commissioners of any such county are hereby authorized to enter into an agreement for the reacquisition of such lands as state forest lands in trust for such county. Such agreement shall provide for the price and manner of such reacquisition. The state board of natural resources is authorized to provide in such agreement for the advance of funds avail-

able to it for such purpose from the forest development account, all or any part of the price for such reacquisition so agreed upon, which advance shall be repaid at such time and in such manner as in said agreement provided, solely from any distribution to be made to said county under the provisions of RCW 76.12.030; that the title to said lands shall be retained by the state free from any trust until the state shall have been fully reimbursed for all funds advanced in connection with such reacquisition; and that in the event of the failure of the county to repay such advance in the manner provided, the said forest lands shall be retained by the state to be administered and/or disposed of in the same manner as other state forest lands free and clear of any trust interest therein by said county. Such county shall make provisions for the reimbursement of the various funds from any moneys derived from such lands so acquired, or any other county trust forest board lands which are distributable in a like manner, for any sums withheld from funds for other areas which would have been distributed thereto from time to time but for such agreement.

SEC. 2. There is hereby appropriated from the forest development account of the general fund from any sums available and not otherwise appropriated the sum of one hundred and forty thousand dollars for the purpose of defraying the costs of reacquiring lands in the manner provided in section 1 of this act. **Appropriation.**

Passed the Senate February 21, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 88.

[S. B. 54.]

PUBLIC PRINTING.

AN ACT relating to public printing, and amending section 3, chapter 168, Laws of 1905, as last amended by section 1, chapter 129, Laws of 1917 and RCW 43.78.030.

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

RCW 43.78.030 amended.

SECTION 1. Section 3, chapter 168, Laws of 1905, as last amended by section 1, chapter 129, Laws of 1917 and RCW 43.78.030 are each amended to read as follows:

Public printer, duties.

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, That this section shall not apply to the printing of the supreme court reports: *Provided further*, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: *And provided further*, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of institutions not at Olympia, or the supreme court or any officer thereof, the estimated cost of which shall not exceed two hundred

dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Passed the Senate February 17, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 89.

[S. B. 93.]

DISPOSITION OF LANDS BY W. S. C.

AN ACT relating to public lands; and authorizing the sale or exchange of certain properties by the board of regents of the State College of Washington.

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

SECTION 1. The board of regents of the State College of Washington is authorized to sell or exchange all or any part or parts of the following described premises in Whitman county, state of Washington:

Sale or
exchange
authorized.

Lots 18 and 19 of McGee's subdivision of the southwest quarter of section 33, township 15 north, range 45 East, W. M.

Description.

SEC. 2. Any sale under the provisions of this act shall be made to the highest or best bidder pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale thereof in one issue of a legal weekly newspaper printed and published in Whitman county. Any exchange under the provisions of this act shall be only for property of at least equal value as determined by not less than two competent and disinterested appraisers.

Bids.

Equal value
if exchange.

Disposition of proceeds.

SEC. 3. The proceeds from the sale of the properties described in section 1 of this act shall be applied to the State College of Washington building account in the general fund.

Passed the Senate February 19, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 90.

[S. B. 202.]

MUNICIPAL UTILITIES.

AN ACT relating to municipal utilities; amending section 3, chapter 266, Laws of 1955 and RCW 35.67.020; amending section 5, chapter 193, Laws of 1941 and RCW 35.67.190; amending section 6, chapter 193, Laws of 1941 and RCW 35.67.200 and 35.67.210; amending section 2, chapter 209, Laws of 1957 and RCW 80.40.010; amending section 3, chapter 209, Laws of 1957, section 3, chapter 288, Laws of 1957 and RCW 80.40.020; and adding a new section to chapter 80.40 RCW.

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

RCW 35.67.020 amended.

SECTION 1. Section 3, chapter 266, Laws of 1955 and RCW 35.67.020 are each amended to read as follows:

Authority to construct and regulate rates.

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewer-

age, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Classification
of service—
Factors in.

SEC. 2. Section 5, chapter 193, Laws of 1941, and RCW 35.67.190 are each amended to read as follows:

RCW 35.67.190
amended.

The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Revenues for
service.

Classification
of services.

If special indebtedness bonds or warrants are

Minimum
rates.

issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

Compulsory
use.

All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

RCW 35.67.200
and 35.67.210
amended.

SEC. 3. Section 6, chapter 193, Laws of 1941 (heretofore divided and codified as RCW 35.67.200 and 35.67.210) is divided and amended as set forth in sections 4 and 5 of this act.

RCW 35.67.200.
Sewerage
lien—Author-
ity.

SEC. 4. (RCW 35.67.200) Cities and towns owning their own sewer systems shall have a lien for delinquent and unpaid rates and charges for sewer service, penalties levied pursuant to RCW 35.67.190, and connection charges, including interest thereon, against the premises to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The city or town by ordinance may provide that delinquent charges shall bear interest at not exceeding eight percent per annum.

RCW 35.67.210.
Sewerage
lien—Extent—
Notice.

SEC. 5. (RCW 35.67.210) The sewerage lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such

lien effective for more than six months' charges the city or town treasurer, clerk, or official charged with the administration of the affairs of the utility shall cause to be filed for record in the office of the county auditor of the county in which such city or town is located, a notice in substantially the following form:

“Sewerage lien notice
City (or town) of

vs.

..... reputed owner.

Notice is hereby given that the city (or town) of has and claims a lien for sewer charges against the following described premises situated in county, Washington, to wit:

(here insert legal description of premises)

Said lien is claimed for not exceeding six months such charges and interest now delinquent, amount to \$....., and is also claimed for future sewerage charges against said premises.

Dated

City (or town) of

By”

The lien notice may be signed by the city or town treasurer or clerk or other official in charge of the administration of the utility. The lien notice shall be recorded as prescribed by law for the recording of mechanics' liens.

SEC. 6. Section 2, chapter 209, Laws of 1957 and RCW 80.40.010 are each amended to read as follows:

RCW 80.40.010 amended.

A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain, and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom,

Authority to acquire and operate waterworks.

Classification
of services—
Factors in.

with full power to regulate and control the use, distribution, and price thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or water works or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this

chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

SEC. 7. Section 3, chapter 209, Laws of 1957, section 3, chapter 288, Laws of 1957, and RCW 80.40.020 are each amended to read as follows:

RCW 80.40.020 amended.

A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Authority to acquire and operate sewerage and garbage systems.

Classification of services—Factors in.

SEC. 8. There is added to chapter 80.40 RCW a new section to read as follows:

New section.

Connection charges authorized.

Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. Connection charges collected shall be considered revenue of such system.

Severability.

SEC. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 13, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 91.

[S. B. 345.]

STATE FUNDS—INVESTMENTS.

AN ACT relating to the investment of state funds, and adding new sections each to chapter 41.32, 41.44 and 43.33 RCW.

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

New section.

SECTION 1. There is added to chapter 41.32 RCW a new section to read as follows:

Investment, state teachers' retirement funds, authorized.

The state teachers' retirement board may authorize the state finance committee to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.

SEC. 2. There is added to chapter 41.44 RCW a new section to read as follows:

The state employees' retirement board is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.

New section.

Investment, state employees' retirement funds, authorized.

SEC. 3. There is added to chapter 43.33 RCW a new section to read as follows:

The state finance committee is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.

New section.

State finance committee authorized to invest funds.

Passed the Senate March 4, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 92.

[S. B. 165.]

VETERINARIANS.

AN ACT relating to veterinary medicine, surgery and dentistry; providing penalties; amending section 1, chapter 71, Laws of 1941 and RCW 18.92.010; amending section 21, chapter 71, Laws of 1941 and RCW 18.92.015; amending section 4, chapter 71, Laws of 1941 and RCW 18.92.030; amending section 5, chapter 71, Laws of 1941 and RCW 18.92.040; amending section 7, chapter 71, Laws of 1941 and RCW 18.92.100; amending section 10, chapter 71, Laws of 1941 and RCW 18.92.115; amending section 11, chapter 71, Laws of 1941 and RCW 18.92.120; amending section 12, chapter 71, Laws of 1941 and RCW 18.92.130; amending section 14, chapter 71, Laws of 1941 and RCW 18.92.180; amending section 19, chapter 71, Laws of 1941 and RCW 18.92.145; amending section 20, chapter 71, Laws of 1941 and RCW 18.92.060; repealing section 3, chapter 71, Laws of 1941 and RCW 18.92.020; and adding three new sections to chapter 71, Laws of 1941 and to chapter 18.92 RCW.

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

RCW 18.92.010 amended.

SECTION 1. Section 1, chapter 71, Laws of 1941 and RCW 18.92.010 are each amended to read as follows:

Veterinary practice defined.

Any person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who shall, within this state, (1) by advertisement, or by any notice, sign, or other indication, or by a statement written, printed or oral, in public or private, made, done, or procured by himself or herself, or any other, at his or her request, for him or her, represent, claim, announce, make known or pretend his or her ability or willingness to diagnose or prognose or treat diseases, deformities, defects, wounds, or injuries of animals; (2) or who shall so advertise, make known, represent or claim his or her ability and willingness to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any operation, manipulation, or apply any apparatus or appli-

ance for cure, amelioration, correction or reduction or modification of any animal disease, deformity, defect, wound or injury, for hire, fee, compensation, or reward, promised, offered, expected, received, or accepted directly or indirectly; (3) or who shall within this state diagnose or prognose any animal diseases, deformities, defects, wounds or injuries, for hire, fee, reward, or compensation promised, offered, expected, received, or accepted directly or indirectly; (4) or who shall within this state prescribe or administer any drug, medicine, treatment, method or practice, or perform any operation, or manipulation, or apply any apparatus or appliance for the cure, amelioration, alleviation, correction, or modification of any animal disease, deformity, defect, wound, or injury, for hire, fee, compensation, or reward, promised, offered, expected, received or accepted directly or indirectly; (5) or who performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock.

The opening of an office or place of business for the practice of veterinary medicine, the use of a sign, card, device or advertisement as a practitioner of veterinary medicine or as a person skilled in such practice shall be prima facie evidence of engaging in the practice of veterinary medicine, surgery and dentistry.

Veterinary
practice,
evidence of.

SEC. 2. Section 21, chapter 71, Laws of 1941 and RCW 18.92.015 are each amended to read as follows:

RCW 18.92.015
amended.

The term "board" used in this chapter shall mean the Washington state veterinary board of governors; the term "committee" shall mean a committee selected in the manner provided in section 3 of this amendatory act of 1959; and the term "director" shall mean the director of licenses of the state of Washington.

Definitions.

"Board."

"Committee."

"Director."

New section.

SEC. 3. There is added to chapter 71, Laws of 1941 and to chapter 18.92 RCW a new section to read as follows:

Board of governors created.

There is created a Washington state veterinary board of governors consisting of five members.

Appointment.

The members shall be appointed by the governor from a list of three or more names approved and submitted by the Washington State Veterinary Medical Association for each position to be filled. At the time of their appointment the members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery and dentistry and must be citizens of the United States. Not more than one member shall be from the same congressional district.

Qualifications.

The first members of the board shall be as follows: One member for five, four, three, two and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

Terms.

A member may be appointed to serve a second term, if that term does not run consecutively. Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

Vacancies.

Officers.

Officers of the board shall be a chairman, who shall be the senior member, and a secretary-treasurer to be chosen by the members of the board.

The three senior members of the board shall serve as an examining board and the remaining two members shall serve as alternates from time to time.

RCW 18.92.030 amended.

SEC. 4. Section 4, chapter 71, Laws of 1941 and RCW 18.92.030 are each amended to read as follows:

General duties of board.

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board shall supervise the conduct of those practicing veterinary medicine, surgery and dentistry and shall make such

recommendations as it deems necessary to the director of licenses in regard to the granting, suspension or revocation of licenses.

SEC. 5. Section 5, chapter 71, Laws of 1941 and RCW 18.92.040 are each amended to read as follows:

RCW 18.92.040 amended.

Each member of the board shall receive twenty-five dollars per day for each day spent upon official business of the board, including the conducting of examinations and in going to and returning from the place of examination, and his actual and necessary traveling expenses.

Compensation, expenses, of board.

SEC. 6. There is added to chapter 71, Laws of 1941 and to chapter 18.92 RCW a new section to read as follows:

New section.

The board of governors may make recommendations to the director of licenses to suspend or revoke the license of any licensee. The director, within twenty days after receipt of notification from the board, shall provide for a hearing. The director shall notify the licensee of the recommendation of the board and shall give the licensee notice of the specific offense or offenses charged against him by the board and the time and place of the hearing at least twenty days prior to the hearing date.

Recommendations on conduct—Procedure.

SEC. 7. Section 7, chapter 71, Laws of 1941 and RCW 18.92.100 are each amended to read as follows:

RCW 18.92.100 amended.

Examinations for license to practice veterinary medicine, surgery and dentistry shall be held in June of each year, and at such other times and places as the director may authorize and direct. Said examination, which shall be conducted in the English language shall be, in whole or in part, in writing on the following subjects: Veterinary anatomy, surgery, obstetrics, pathology, chemistry, hygiene, veterinary diagnosis, materia medica, therapeutics, parasitology, physiology, sanitary medicine, and such other subjects which are ordi-

Examinations.

—Time of.

—Contents.

narily included in the curricula of veterinary colleges, as the board may prescribe. The manner of examination may conform with teaching techniques used in accredited veterinary colleges recognized and approved by the committee on education of the American Veterinary Medical Association.

RCW 18.92.115
amended.

SEC. 8. Section 10, chapter 71, Laws of 1941 and RCW 18.92.115 are each amended to read as follows:

Reexamina-
tion.

Any applicant who shall fail to secure the required grade in his first examination may take the next regular veterinary examination.

RCW 18.92.120
amended.

SEC. 9. Section 11, chapter 71, Laws of 1941 and RCW 18.92.120 are each amended to read as follows:

Temporary
certificate.

Any person who shall make application for examination, as provided by RCW 18.92.070, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the next examination period. Such temporary certificate must be surrendered at time of such examination and no more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

RCW 18.92.130
amended.

SEC. 10. Section 12, chapter 71, Laws of 1941 and RCW 18.92.130 are each amended to read as follows:

Licenses,
reciprocity
with other
states.

Any person who has been lawfully licensed to practice veterinary medicine, surgery, and dentistry in another state or territory which has and maintains a standard for the practice of veterinary medicine, surgery and dentistry which is substantially the same as that maintained in this state, and who has been lawfully and continuously engaged in the practice of veterinary medicine, surgery and dentistry for two years or more immediately before filing his application to practice in this state and

who shall submit to the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may upon the payment of the fee as provided herein, be granted a license to practice veterinary medicine, surgery and dentistry in this state, without being required to take an examination: *Provided, however,* That no license shall be issued to any applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of veterinary medicine, surgery and dentistry within its own borders to veterinarians heretofore and hereafter licensed by this state, and removing to such other state: *And provided further,* That the director of licenses shall have power to enter into reciprocal relations with other states whose requirements are substantially the same as those provided herein. The board shall make recommendations to the director upon all requests for reciprocity.

SEC. 11. Section 14, chapter 71, Laws of 1941 and RCW 18.92.180 are each amended to read as follows:

In all proceedings having for their purpose the revocation or suspension of a license to practice veterinary medicine, surgery and dentistry, the holder of such license shall be given twenty days notice in writing by the director, which said notice shall specify the offense or offenses against this chapter with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia unless a different place shall be fixed by the director of licenses. The director shall have the power to issue subpoenas to compel the attendance of witnesses, or the produc-

RCW 18.92.180
amended.

Licenses, sus-
pension and
revocation of
—Proceedings.

tion of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire. Subpoenas shall be served in the same manner as civil cases in the superior court. Witnesses shall testify under oath, administered by the director. Testimony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe. Any graduate of an approved veterinary school having evidence pertaining to the charge against the accused may be heard by the board. The board shall hear and determine the charges and shall make findings and conclusion upon the evidence produced, and shall file the same in the director's office, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing signed by the director, stating the grounds upon which such order is based.

RCW 18.92.145 amended.

SEC. 12. Section 19, chapter 71, Laws of 1941 and RCW 18.92.145 are each amended to read as follows:

Licenses, fees.

The following fees shall be charged by the director of licenses:

(1) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, thirty-five dollars.

(2) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, fifty dollars.

Annual renewal fee.

(3) For the annual renewal of a license to practice veterinary medicine, surgery and dentistry, five dollars.

Temporary permit fee.

(4) For a temporary permit to practice veterinary medicine, surgery and dentistry, fifteen dollars. The temporary permit fee shall be accompanied by the full amount of the examination fee of thirty-five dollars.

SEC. 13. Section 20, chapter 71, Laws of 1941 and RCW 18.92.060 are each amended to read as follows: RCW 18.92.060 amended.

Nothing in this chapter shall be construed to apply to commissioned veterinarians in the United States army, to veterinarians employed by the Animal Disease Eradication Division of the United States Agricultural Research Service, or to any owner of livestock from treating his own animals, to the castrating and dehorning of cattle, to the castrating and docking of sheep, to the castrating of swine or to the caponizing of poultry. Licensing exemptions.

SEC. 14. There is added to chapter 71, Laws of 1941 and to chapter 18.92 RCW a new section to read as follows: New section.

If any person engages in the practice of veterinary medicine, surgery and dentistry as defined in this chapter without possessing a valid license to do so, the attorney general, any prosecuting attorney, the director of licenses, the Washington State Veterinary Medical Association, or any citizen of the same county in which [such] person engages in such practice may maintain an action to enjoin such person from engaging in such practice. The injunction shall not relieve such person from criminal prosecution and shall be in addition to liability for criminal prosecution. Injunction to restrain practice without license.

SEC. 15. Section 3, chapter 71, Laws of 1941 and RCW 18.92.020 are each repealed. Repeal.

Passed the Senate February 14, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 93.

[H. B. 19.]

METROPOLITAN PARK DISTRICTS—
UNNEEDED PROPERTY.

AN ACT relating to metropolitan park districts; and adding a new section to chapter 35.61 RCW.

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

New section.

SECTION 1. There is added to chapter 35.61 RCW a new section to read as follows:

Disposition of unsuitable property authorized.

Every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is no longer suitable for park or other recreational purposes: *Provided,* That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his heirs, successors, or assigns is first obtained. All sales shall be by public bids and sale made only to the highest and best bidder.

Passed the House January 30, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 94.

[Sub. H. B. 33.]

PORT DISTRICTS—INLAND AREAS.

AN ACT relating to port districts; adding a new section to chapter 92, Laws of 1911 and to chapter 53.04 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 92, Laws of 1911 and to chapter 53.04 RCW a new section to read as follows:

New
section.

In those counties of this state wherein port districts may not otherwise be established due to inability to provide harbor improvements because of the lack of appropriate bodies of water within such counties, port districts for the acquisition, construction, maintenance, operation, development and regulation of a system of commercial transportation and industrial improvements, including air, land and water transfer and terminal facilities therein are hereby authorized to be established under the laws of this state, as set forth in Title 53 RCW as now or hereafter amended, with all the powers, privileges and immunities conferred upon such port districts by law. Such port districts as are established under the authority of this section shall have the same power and right regarding municipal airports as other port districts now have or may hereafter be granted.

Inland
port districts
authorized.

SEC. 2. Section 1 of this amendatory act shall not be construed to repeal, amend or modify any law heretofore enacted providing a method of harbor improvement, regulation or control; acquisition, maintenance and operation of municipal airports; or industrial development; but shall be held to be an additional and concurrent method providing such purposes.

Act supple-
mental.

Elections under act.

SEC. 3. All elections with respect to any such port districts authorized by this act shall be held, conducted and the results canvassed in the same manner and at the same time as now or hereafter provided by law for other port districts.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the 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, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 95.

[H. B. 170.]

STATUTE LAW COMMITTEE.

AN ACT relating to the statute law committee; amending section 1, chapter 157, Laws of 1951 as last amended by section 1, chapter 235, Laws of 1955, and RCW 1.08.001; amending section 2, chapter 157, Laws of 1951 as last amended by section 2, chapter 235, Laws of 1955, and RCW 1.08.003; amending section 11, chapter 157, Laws of 1951 and RCW 1.08.025; amending section 9, chapter 257, Laws of 1953 and RCW 1.08.026; amending section 17, chapter 157, Laws of 1951 as amended by section 3, chapter 5, Laws of 1955, and RCW 1.08.050; and declaring an emergency.

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

RCW 1.08.001 amended.

SECTION 1. Section 1, chapter 157, Laws of 1951 as last amended by section 1, chapter 235, Laws of 1955, and RCW 1.08.001 are each amended to read as follows:

Permanent statute law committee created.

There is created a permanent statute law committee consisting of twelve lawyer members as follows: A lawyer member of the legislative council, ex officio, designated by the speaker of the house of

representatives, but if there is no such lawyer member, then an additional lawyer member of the house judiciary committee shall be so appointed; the chairman of the senate judiciary committee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; the chairman of the house judiciary committee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; five lawyers admitted to practice in this state, designated by the board of governors of the Washington State Bar Association; a judge of the supreme court or a lawyer who has been admitted to practice in this state, recommended by the chief justice of the supreme court; and a lawyer member at large appointed by the governor. All such designations or appointments, shall except as provided in RCW 1.08.003, be made as above provided prior to April 1, 1959.

Members.

SEC. 2. Section 2, chapter 157, Laws of 1951 as last amended by section 2, chapter 235, Laws of 1955, and RCW 1.08.003 are each amended to read as follows:

RCW 1.08.003 amended.

The terms of the members designated by the State Bar Association, shall be for six years. The term of the member recommended by the chief justice shall be at the pleasure of the supreme court. The term of the governor's appointee shall be four years. The term of the senate and house judiciary committee members shall be two years, from April 1 following the adjournment of the regular session of the legislature in each odd-numbered year starting in 1955 and to and including the 31st day of March in the succeeding odd-numbered year.

Terms of members.

The term of any ex officio member, other than senate and house judiciary committee members shall expire upon expiration of tenure of the position by virtue of which he is a member of the committee. Vacancies shall be filled by designation, appointment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term.

Filling
vacancies.

Of the members to be designated by the Washington State Bar Association, the term of one member shall expire March 31, 1959, the terms of two members shall expire March 31, 1961, the terms of two members shall expire March 31, 1963, and the term of one member shall expire March 31, 1965: *Provided*, That this 1959 amendment shall not affect the present terms of present members.

RCW 1.08.025
amended.

SEC. 3. Section 11, chapter 157, Laws of 1951 and RCW 1.08.025 are each amended to read as follows:

Improvement
of statutes.

The committee, or the reviser with the approval of the committee, shall from time to time make written recommendations to the legislature concerning deficiencies, conflicts, or obsolete provisions in, and need for reorganization or revision of, the statutes, and shall prepare for submission to the legislature, legislation for the correction or removal of such deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state as the public interest or the administration of the subject may require.

Such or similar projects may also be undertaken at the request of the legislature, the legislative council, other legislative interim bodies and the judicial council and if such undertaking will not impede the other functions of the committee.

All such proposed legislation shall be annotated

so as to show the purposes, reasons, and history thereof.

SEC. 4. Section 9, chapter 257, Laws of 1953 and RCW 1.08.026 are each amended to read as follows:

The committee also shall examine the revised code and from time to time submit to the legislature proposals for enactment of the several titles, chapters and sections thereof, to the end that, as expeditiously as possible, the revised code, and each part thereof, shall constitute conclusive, rather than *prima facie* evidence of the law. Each such proposal shall be accompanied by explanatory matter. The committee may hold hearings concerning any such proposal or concerning recommendations formulated or to be formulated in accordance with RCW 1.08.025. Proposals or recommendations approved by the committee shall be submitted to the chairman of the house or senate judiciary committee at the commencement of the next succeeding session of the legislature.

RCW 1.08.026 amended.

Examination of code—Hearings—Recommendations to legislature.

SEC. 5. Section 17, chapter 157, Laws of 1951 as amended by section 3, chapter 5, Laws of 1955, and RCW 1.08.050 are each amended to read as follows:

The legislature in amending or repealing laws shall include in such act references to the code numbers of the law affected. The reviser shall assign code numbers to such permanent and general laws as are hereafter enacted at any legislative session.

RCW 1.08.050 amended.

Use of code numbers.

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

Emergency.

Passed the House February 14, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 96.

[H. B. 243.]

STATE COLLEGES OF EDUCATION.

AN ACT relating to the state colleges of education; and amending section 4, chapter 76, Laws of 1957 and RCW 28.81.170.

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

RCW 28.81.170 amended.

SECTION 1. Section 4, chapter 76, Laws of 1957 and RCW 28.81.170 are each amended to read as follows:

Colleges of education—Annuity plan—Rights and duties of members of retirement system.

(1) A faculty member designated by the trustees of his respective state college of education as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension of four dollars per month for each year of creditable service established and retained at the time of said designation not to exceed thirty-five years of creditable service: *Provided, however,* That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educa-

tional employment. Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *Provided*, That substitute service may be rendered up to forty-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college of education as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after the effective date of this amendatory act, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Right to terminate membership in retirement system.

Passed the House February 6, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 97.

[H. B. 408.]

NARCOTIC DRUGS.

AN ACT relating to narcotic drugs; amending section 69.33.290, chapter 27, Laws of 1959 and RCW 69.33.290.

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

RCW 69.33.290 amended.

SECTION 1. Section 69.33.290, chapter 27, Laws of 1959 and RCW 69.33.290 are each amended to read as follows:

Narcotic drugs —Exempted sales and uses.

Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Administering, dispensing, or selling at retail any medicinal preparation, other than those hereinafter specified, that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts, or not more than one-sixth grain of dihydrocodeinone or of any of its salts, or not more than two grains of noscapine (formerly narcotine) or of any of its salts, or not more than two grains of papaverine or of any of its salts: *Provided*, That any new narcotic drug of natural or synthetic origin, that may be found by the United States commissioner of narcotics to be nonhabit forming in use, and which is so designated by them as an exempt narcotic, under federal law, may be classified as an exempt narcotic in the state of Washington, by ruling of the board of pharmacy.

The exemption authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone;

(2) That such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter;

(3) The board of pharmacy may, after a hearing, rule that this exemption shall not apply to a particular drug, or medicinal preparation, when the drug or medicinal preparation is injurious to the public health and welfare;

(4) That the drug or medicinal preparation be prescribed, administered, dispensed, or sold to any person in accordance with the rules and regulations relating to narcotics promulgated by the state board of pharmacy;

(5) The state board of pharmacy may, after a hearing, rule that this exemption shall not apply to any person who has prescribed, administered, dispensed, or sold any drug or medicinal preparation in such volume as to be injurious to the public health and welfare;

(6) The board of pharmacy may, after a hearing, promulgate rules and regulations which are necessary and proper to carry out the purposes of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts, or of dihydrocodeinone or of any of its salts, or of noscapine (formerly narcotine) or of any of its salts, or of papaverine or of any of its salts, that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

Passed the House February 23, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 98.

[H. B. 46.]

HEALTH AND SAFETY—FACTORIES, MILLS, ETC.

AN ACT relating to the division of safety of the department of labor and industries and to health and safety in factories, mills, and workshops; amending section 1, chapter 84, Laws of 1905 as last amended by section 1, chapter 17, Laws of 1943 and RCW 49.20.010, and section 2, chapter 84, Laws of 1905 and RCW 49.20.020, and section 4, chapter 84, Laws of 1905 as amended by section 2, chapter 205, Laws of 1907 and RCW 49.20.040, and section 5, chapter 84, Laws of 1905 as amended by section 3, chapter 205, Laws of 1907 and RCW 49.20.050, and section 6, chapter 84, Laws of 1905 and RCW 49.20.060, and section 11, chapter 84, Laws of 1905 as amended by section 5, chapter 205, Laws of 1907 and RCW 49.20.110; and repealing section 7, chapter 84, Laws of 1905, section 4, chapter 205, Laws of 1907 and RCW 49.20.070, and section 12, chapter 84, Laws of 1905 and RCW 49.20.100; and providing penalties.

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

SECTION 1. Section 1, chapter 84, Laws of 1905 as last amended by section 1, chapter 17, Laws of 1943 and RCW 49.20.010 are each amended to read as follows:

RCW 49.20.010
amended.

Safeguards to
be provided.

Any person, firm, corporation or association operating a factory, mill or workshop, or conducting any operation where workmen subject to the provisions of Title 51, are employed, shall provide and maintain in use, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running, where the same are practicable with regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries and machinery of other similar description, which it is practicable to guard, and which can be

effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and shall correct any other unsafe methods of performing work which can be corrected with due regard to the general performance of such work; and if any machine or equipment, or any part thereof, is in a defective condition, and its operation would be extrahazardous because of such defect, or if any machine is not safeguarded as provided in this chapter, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the department of labor and industries by and through the division of safety immediately on finding such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided; and where it is found that discontinuance of unsafe methods or practices is practicable with due regard to the ordinary performance of the work, such unsafe practices or methods shall be immediately discontinued upon written notice from the division of safety to the employer or his representative, and the work shall cease until such unsafe practices or methods have been corrected.

Unsafe or defective equipment to be remedied.

Every person, firm, corporation or association subject to the provisions of this section who has received a notice from the division of safety that such person, firm, corporation or association is violating any provision of this section, and who nevertheless continues to so violate this section, shall be guilty of a gross misdemeanor.

Violation, gross misdemeanor.

SEC. 2. Section 2, chapter 84, Laws of 1905 and RCW 49.20.020 are each amended to read as follows:

RCW 49.20.020 amended.

Every factory, mill or workshop where machinery is used and manual labor is exercised by the

Ventilation and sanitation.

way of trade for the purposes of gain within an enclosed room shall be provided in each work room thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill or workshop, any process is carried on in any enclosed room thereof, by which gases, vapors, dust, or other impurities are generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such impurities.

RCW 49.20.040 amended.

SEC. 3. Section 4, chapter 84, Laws of 1905 as amended by section 2, chapter 205, Laws of 1907 and RCW 49.20.040 are each amended to read as follows:

Examination of factories.

It shall be the duty of the director of labor and industries by and through the division of safety to examine from time to time, all factories, mills, workshops, storehouses, warerooms, stores and buildings and the machinery and appliances therein contained to which the provisions of this chapter are applicable for the purpose of determining whether they do conform to such provisions.

RCW 49.20.050 amended.

SEC. 4. Section 5, chapter 84, Laws of 1905 as amended by section 3, chapter 205, Laws of 1907 and RCW 49.20.050 are each amended to read as follows:

Request for inspection.

Any person, firm, corporation or association carrying on business to which the provisions of this chapter are applicable, shall have the right to make written request to the division of safety to inspect any factory, mill or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using,

and the director by and through the division of safety shall forthwith make said inspection.

SEC. 5. Section 6, chapter 84, Laws of 1905 and RCW 49.20.060 are each amended to read as follows:

RCW 49.20.060 amended.

Any employee of any person, firm, corporation or association shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works and plants, with which or in about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects then said employee may complain to the supervisor of safety or his duly authorized agent of any such alleged defects in or failure to guard the machinery, appliances, ways, works and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this chapter, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employee is working, and upon receiving such complaint, it shall be the duty of the director by and through the supervisor of safety to forthwith make an inspection of the machinery and appliances complained of.

Employee may notify supervisor of defects.

SEC. 6. Section 11, chapter 84, Laws of 1905 as amended by section 5, chapter 205, Laws of 1907 and RCW 49.20.110 are each amended to read as follows:

RCW 49.20.110 amended.

Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this chapter, except as provided in section 1 hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Violation, misdemeanor.

SEC. 7. Section 7, chapter 84, Laws of 1905, section 4, chapter 205, Laws of 1907 and RCW 49.20.070 are each repealed.

Repeal.

Repeal.

SEC. 8. Section 12, chapter 84, Laws of 1905 and RCW 49.20.100 are each repealed.

Passed the House February 2, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 99.

[S. B. 280.]

JUSTICE COURTS—RETURN OF PROCESS.

AN ACT relating to civil procedure in justice courts; and amending section 2, chapter 19, Laws of 1903 and RCW 12.04.070.

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

RCW 12.04.070 amended.

SECTION 1. Section 2, chapter 19, Laws of 1903 and RCW 12.04.070 are each amended to read as follows:

Process—Return.

Every constable or sheriff serving process or complaint and notice shall return in writing, the time, manner and place of service and indorse thereon the legal fees therefor and shall sign his name to such return, and any person other than one of said officers serving summons or complaint and notice shall file with the justice his affidavit, stating the time, place and manner of the service of such summons or notice and complaint and shall indorse thereon the legal fees therefor.

Passed the Senate February 23, 1959.

Passed the House March 3, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 100.

[S. B. 208.]

BLIND PERSONS—SERVICES AND PRODUCTS.

AN ACT relating to blind made products and services offered by the blind.

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

SECTION 1. Products made by blind persons and sold or distributed in this state may bear a label reading "MADE BY THE BLIND". Any product bearing such label shall have been made by blind people to the extent of at least seventy-five percent of the man hours required for its manufacture.

Products labeled.

SEC. 2. Any board, commission, officer, employee or other person or persons of the state, or any county, city, town, school district or other agency, political subdivision or taxing district of the state, whose duty it is to purchase materials, supplies, goods, wares, merchandise or produce, or to procure services, for the use of any department or institution within the state, may make such purchases and procure such services whenever available, from any nonprofit agency for the blind located within the state: *Provided*, That the goods and services made by or offered by such agencies shall be equal in quality and price to those available from other sources.

Public agencies may purchase products, services, of blind.

Passed the Senate February 10, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 10, 1959.

CHAPTER 101.

[Sub. H. B. 102.]

SLAUGHTER OF ANIMALS.

AN ACT relating to the humane slaughter of animals; and providing penalties.

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

Definitions.

SECTION 1. As used in this act:

"Slaughterer."

(1) The term "slaughterer" means any person, partnership, corporation or association regularly engaged in the slaughter of livestock at a permanent establishment for that purpose.

"Livestock."

(2) The term "livestock" means cattle, horses, swine, sheep and goats.

"Humane methods of slaughter."

(3) The term "humane methods of slaughter" means such methods as will accomplish the slaughter of livestock with a minimum of pain, suffering and discomfort.

Exemption.

SEC. 2. This act shall not apply to the slaughter of livestock according to the requirements of any religious faith.

Administration of act.

SEC. 3. The director of agriculture shall administer the provisions of this act. He shall promulgate and may from time to time revise rules and regulations for the humane slaughter of livestock, which shall conform substantially to the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the federal humane slaughter law, public law 765, eighty-fifth congress, 72 Stat. 862, as amended: *Provided*, That the use of electricity in such a manner that an animal is rendered unconscious instantly and so remains until death ensues is declared a humane method of slaughter.

Humane method of slaughter.

Inhumane method of slaughter.

SEC. 4. The use of a manually operated hammer or sledge is declared an inhumane method of

slaughter within the provisions of this act and is prohibited, except as otherwise in section 7 of this act provided.

SEC. 5. On and after July 1, 1960, slaughterers shall employ humane methods in the handling of livestock for slaughter and in the slaughter thereof, except as otherwise in section 7 of this act provided.

Effective date.

SEC. 6. Any slaughterer who violates section 4 of this act or knowingly permits the same to be violated, shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than five hundred dollars, or both.

Penalty upon use of manual hammer.

SEC. 7. If enforcement of this act should work undue hardship on any slaughterer, he may apply to the director of agriculture to be relieved from compliance with such portions of the act as create such hardship. The director shall thereupon inquire into the merits of such application and shall make such decision as the facts shall warrant. No exemption shall be granted to continue for more than one year, but the same may be continued or modified for a further period or periods upon a showing of necessity therefor. Any expense incurred by the director in making his investigation shall be borne by the applicant. An appeal from the decision of the director may be taken, within thirty days from the date the decision was delivered, to the superior court of the state of Washington for Thurston county.

Director may exempt—
Procedure.

Appeal.

Passed the House February 23, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 102.

[H. B. 116.]

GOVERNMENTAL AGENCIES—INTERCHANGE OF PERSONNEL.

AN ACT relating to interchange of personnel between federal and state agencies.

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

"State agency" defined.

SECTION 1. "State agency" means a board, department, commission or institution of the state or its political subdivisions.

Interchange agreements authorized.

SEC. 2. A state agency may enter into agreements with departments or other subdivisions of the federal government for the interchange of personnel on projects which are of mutual benefit to the state and federal government.

Contents.

An interchange agreement shall specify the fiscal arrangements to be made, including compensations, rights, benefits and obligations of the employees concerned, travel and transportation of employees, their immediate families and household goods, and the duties and supervision of employees while on assignment.

State participants, employment status.

SEC. 3. State agency employees participating in an interchange may be carried on detail or in a leave of absence status.

"On detail."

(1) Wherever practicable, employees should be carried on detail. While on detail under an interchange agreement, employees shall remain employees of the state agency for all fiscal purposes, but shall receive no reimbursement for travel or other expenses except as provided in section 2 of this act.

"Leave of absence."

(2) State agency employees who receive temporary appointments with federal agencies shall be carried by the state agency in a leave of absence

status. Participation in an interchange shall be considered as service under any retirement system of which the employees are members. Arrangements for payment of employees' contributions to a retirement system may be by the interchange agreement or otherwise. Employees participating in an interchange shall be entitled to credit the full period toward promotion or salary increase as provided by any applicable civil service laws or regulations.

SEC. 4. Federal employees participating in an interchange may receive appointment by the state agency, or may be considered to be on detail with the state agency.

Federal participants, employment status.

(1) Appointments of federal employees shall be made without regard to civil service laws or regulations. Compensation shall be in accordance with the usual rates paid by the state agency for similar positions.

An appropriate percentage of compensation shall be deducted and transmitted to the federal agency for retirement and insurance where the interchange agreement so provides.

(2) Federal employees on detail with a state agency remain employees of and shall continue to receive their compensation from the federal agency, subject to the terms of the interchange agreement.

Passed the House January 29, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 103.

[H. B. 377.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; amending section 10, chapter 210, Laws of 1941, as last amended by section 3, chapter 250, Laws of 1953, and RCW 56.08.010; amending section 11, chapter 210, Laws of 1941, as last amended by section 4, chapter 250, Laws of 1953, and RCW 56.08.020; amending section 48, chapter 210, Laws of 1941, as amended by section 8, chapter 250, Laws of 1953, and RCW 56.08.060; amending section 9, chapter 210, Laws of 1941, as last amended by section 1, chapter 373, Laws of 1955, and RCW 56.12.010; amending section 16, chapter 210, Laws of 1941, as last amended by section 11, chapter 250, Laws of 1953, and RCW 56.16.020; amending section 17, chapter 210, Laws of 1941, as last amended by section 12, chapter 250, Laws of 1953, and RCW 56.16.030; amending section 19, chapter 210, Laws of 1941 and RCW 56.16.060; amending section 20, chapter 210, Laws of 1941 and RCW 56.16.070; amending section 22, chapter 210, Laws of 1941 and RCW 56.16.090; amending section 16, chapter 250, Laws of 1953 and RCW 56.16.115; amending section 46, chapter 210, Laws of 1941 and RCW 56.16.140; adding five new sections to chapter 56.16 RCW; adding two new sections to Title 56 RCW; and declaring an emergency.

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

RCW 56.08.010 amended.

SECTION 1. Section 10, chapter 210, Laws of 1941, as last amended by section 3, chapter 250, Laws of 1953, and RCW 56.08.010 are each amended to read as follows:

Sewer districts powers and rights.

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district

can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the 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 the use and operation thereof and the service rates to be charged. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A

Eminent domain.

Connection charge.

Connection
mandatory—
Lien.

district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

RCW 56.08.020
amended.

SEC. 2. Section 11, chapter 210, Laws of 1941, as last amended by section 4, chapter 250, Laws of 1953, and RCW 56.08.020 are each amended to read as follows:

Comprehen-
sive plan.

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local

Provisions.

improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the county commissioners and to the director of health, and must be approved in writing by the engineer and director of health.

Approval.

If the district includes portions or all of one or more cities or towns, the comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020 shall not apply to reorganized districts, except as specifically referred to in this section.

SEC. 3. Section 48, chapter 210, Laws of 1941, as amended by section 8, chapter 250, Laws of 1953, and RCW 56.08.060 are each amended to read as follows:

RCW 56.08.060 amended.

A sewer district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person, firm or corporation, for the acquisition, ownership, use and operation of any property, facilities, or services, within or without the sewer district and necessary or desirable to carry out the purposes of the sewer district, and a sewer district may provide sewer service to property owners outside the limits of the sewer district.

Contracts for joint use—
Service outside district.

SEC. 4. Section 9, chapter 210, Laws of 1941, as last amended by section 1, chapter 373, Laws of 1955, and RCW 56.12.010 are each amended to read as follows:

RCW 56.12.010 amended.

Board of
commis-
sioners.

The governing body of a sewer district shall be a board of commissioners consisting of three members. The commissioners shall annually elect one of their number as president and another as secretary of the board.

Officers.

Compensation.

A district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: *Provided*, That the per diem for each commissioner shall not exceed six hundred dollars per year. In addition, the secretary may be paid a reasonable sum for his services as secretary and for bookkeeping work and keeping the records of the district. No commissioner shall be employed full time by the district.

Rules.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose, which shall be a public record.

RCW 56.16.020
amended.

SEC. 5. Section 16, chapter 210, Laws of 1941, as last amended by section 11, chapter 250, Laws of 1953, and RCW 56.16.020 are each amended to read as follows:

Finances—
Revenue
bonds.

At any general or special election, a proposition that the district issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital, or other costs of any part or all of the comprehensive plan may be submitted. The amount of the revenue bonds to be issued shall be included in the proposition submitted. The proposition shall be adopted by a majority of the voters of the district voting thereon. When the proposition has been adopted, the commissioners may forthwith carry out the general plan to the extent specified therein.

SEC. 6. Section 17, chapter 210, Laws of 1941, as last amended by section 12, chapter 250, Laws of 1953, and RCW 56.16.030 are each amended to read as follows:

RCW 56.16.030 amended.

In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty mill tax limitation for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, 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 by resolution of the board of sewer commissioners without submitting a proposition therefor to the voters.

Finances—
Additions and
betterments.

SEC. 7. There is added to chapter 210, Laws of 1941 and to chapter 56.16 RCW a new section to read as follows:

New section.

Whenever a sewer district shall have adopted a general comprehensive plan, and bonds to defray the cost thereof shall have been authorized by the electors of the district, and if before completion of the improvements the board of commissioners shall by resolution find that the authorized bonds are not sufficient to defray the cost of such improvements

Additional
revenue bonds
authorized.

due to the increase of costs of construction subsequent to the adoption of said plan, the board of commissioners may, by resolution, without submitting the matter to the voters of the district, authorize the issuance and sale of additional sewer revenue bonds for such purpose in excess of those previously authorized: *Provided*, That in no event shall the principal amount of such additional sewer revenue bonds exceed twenty percent of such previously authorized indebtedness.

RCW 56.16.060
amended.

SEC. 8. Section 19, chapter 210, Laws of 1941 and RCW 56.16.060 are each amended to read as follows:

Sewer revenue
bonds.

When sewer revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, as determined by the board of commissioners of the district; shall bear interest payable semiannually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed six percent per annum; shall be executed by the president of the board of commissioners and attested by the secretary thereof and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

RCW 56.16.070
amended.

SEC. 9. Section 20, chapter 210, Laws of 1941 and RCW 56.16.070 are each amended to read as follows:

Special fund
to pay
revenue bonds.

The sewer commissioners shall have power and are required to create a special fund, or funds, for the sole purpose of paying the interest and principal of sewer revenue bonds, as herein provided into which special fund or funds the said sewer commis-

sioners shall obligate and bind the sewer district to set aside and pay a fixed proportion of the gross revenues of the system of sewers, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion, and such bonds and the interest thereof shall be payable only out of such special fund or funds, and shall be a lien and charge against all revenues of the district and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

SEC. 10. There is added to chapter 210, Laws of 1941 and to chapter 56.16 RCW a new section to read as follows:

New section.

The board of commissioners may make such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on sewer revenue bonds of the district, including but not being limited to covenants for the establishment and maintenance of adequate reserves to secure or guarantee the payment of such principal and interest; the protection and disposition of the proceeds of sale of such bonds; the use and disposition of the gross revenues of the sewer system of the district and any additions or betterments thereto or extensions thereof; the use and disposition of any utility local improvement district assessments; the creation and maintenance of funds for renewals and replacements of the system; the establishment and maintenance of rates and charges adequate to pay principal and interest of such bonds and to maintain adequate coverage over debt service; the maintenance, operation and management of the system and the accounting, insuring and auditing of the business in connection therewith; the terms upon which such bonds or any of them may be

Covenants to secure payment of revenue bonds.

redeemed at the election of the district; limitations upon the right of the district to dispose of its system or any part thereof; the appointment of trustees, depositaries and paying agents to receive, hold, disburse, invest and reinvest all or any part of the proceeds of sale of the bonds and all or any part of the income, revenue and receipts of the district, and the board of commissioners may make such other covenants as it may deem necessary to accomplish the most advantageous sale of such bonds. The board of commissioners may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold.

RCW 56.16.090
amended.

SEC. 11. Section 22, chapter 210, Laws of 1941 and RCW 56.16.090 are each amended to read as follows:

Rates and
charges.

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system including but not limited to assessments;

Classification
of services—
Factors in.

and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

SEC. 12. Section 16, chapter 250, Laws of 1953 and RCW 56.16.115 are each amended to read as follows:

RCW 56.16.115 amended.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the forty mill tax limitation shall apply to the refunding general obligation bonds issued under this title.

Refunding general obligation bonds authorized.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refund-

Refunding revenue bonds authorized.

ing revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue. The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this title.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

RCW 56.16.140
amended.

SEC. 13. Section 46, chapter 210, Laws of 1941 and RCW 56.16.140 are each amended to read as follows:

Maintenance
fund.

The county treasurer shall create and maintain a separate fund designated as the maintenance fund or general fund of the sewer district into which shall be paid all money received by him from the collection of taxes levied by such district other than taxes levied for the payment of general obligation bonds thereof, and into which shall be paid all revenues of the district other than assessments levied in utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district.

Special funds.

The county treasurer shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the board of sewer commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor

issued against the same by authority of the board of sewer commissioners.

SEC. 14. There is added to chapter 210, Laws of 1941 and to chapter 56.16 a new section to read as follows: New section.

Whenever a sewer district has accumulated moneys in the maintenance fund or general fund of the district in excess of the requirements of such fund, the board of commissioners may in its discretion use any of such surplus moneys for any of the following purposes: (1) Redemption or servicing of outstanding obligations of the district; (2) maintenance expenses of the district; (3) construction or acquisition of any facilities necessary to carry out the purpose of the district. Maintenance fund—Use of surplus moneys.

SEC. 15. There is added to chapter 210, Laws of 1941 and to chapter 56.16 RCW a new section to read as follows: New section.

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize and direct the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the Federal Deposit Insurance Corporation, or the Federal Savings and Loan Insurance Corporation, or to invest such moneys in direct obligations of the United States government: *Provided*, That the county treasurer may refuse to invest any district moneys for a period shorter than ninety days, or in an amount less than five thousand dollars, or any moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district. Surplus moneys in funds—Investment of.

New section.

SEC. 16. There is added to chapter 210, Laws of 1941 and to chapter 56.16 RCW a new section to read as follows:

Surplus
moneys—Loan
to construc-
tion fund.

The board of commissioners of any sewer district may, by resolution, authorize and direct a loan or loans from maintenance funds or general funds of the district to construction funds of the district: *Provided*, That such loan does not, in the opinion of the board of commissioners, impair the ability of the district to operate and maintain its system of sewers.

New section.

SEC. 17. There is added to chapter 210, Laws of 1941 and to Title 56 RCW a new section to read as follows:

Validation,
prior pro-
ceedings.

All debts, contracts and obligations heretofore made or incurred by or in favor of any sewer district, all bonds, warrants, or other obligations issued by such districts, any connection or service charges made by such districts, any and all assessments heretofore levied in any utility local improvement districts of any sewer districts, and all other things and proceedings relating thereto done or taken by such sewer districts or by their respective officers are hereby declared to be legal and valid and of full force and effect from the date thereof: *Provided*, That nothing in this section shall apply to ultra vires acts or acts of fraud committed by the officers or agents of said district.

New section.

SEC. 18. There is added to chapter 210, Laws of 1941 and to Title 56 RCW a new section to read as follows:

Construction.

The rule of strict construction shall have no application to this title, but the same shall be liberally construed to carry out the purposes and objects for which this title is intended.

Severability.

SEC. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of

the provision to other persons or circumstances is not affected.

SEC. 20. This act is necessary for the immediate Emergency.
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 February 24, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 104.

[H. B. 542.]

RECLAMATION BY STATE.

AN ACT relating to reclamation, irrigation improvement, diking improvement, diking and drainage improvement, and drainage improvement districts; amending section 4, chapter 158, Laws of 1919 and RCW 89.16.020, 89.16.030 and 89.16.040; amending section 7, chapter 158, Laws of 1919, as amended by section 2, chapter 132, Laws of 1923, and RCW 89.16.070; adding a new section to chapter 85.08 RCW; adding a new section to chapter 87.36 RCW; and declaring an emergency.

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

SECTION 1. Section 4, chapter 158, Laws of 1919 (heretofore divided and codified as RCW 89.16.020, 89.16.030 and 89.16.040) is divided and amended as set forth in sections 2, 3 and 4 of this act.

SEC. 2. (RCW 89.16.020) For the purpose of carrying out the provisions of this chapter the state reclamation revolving fund, heretofore established and hereinafter called the reclamation fund, shall consist of all sums appropriated thereto by the legislature; all gifts made to the state therefor and the proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by securi-

RCW 89.16.020
enacted
without
amendment.

ties acquired with moneys thereof; all reimbursements for moneys advanced for the payment of assessments upon public lands of the state for the improvement thereof; and all taxes received under levies authorized therefor.

RCW 89.16.030
enacted
without
amendment.

SEC. 3. (RCW 89.16.030) Whenever the total amount in the reclamation fund, including cash on hand, market value of property, and par value and accrued interest of securities owned, reimbursements due or to become due for moneys advanced for the improvement of public lands of the state, and all uncollected taxes, including the current levy, less all outstanding warrants drawn against the fund, equals five million dollars, all taxes from future levies made therefor shall be paid to the respective funds in the state treasury from which money has been appropriated for the reclamation fund, until such funds are reimbursed for all sums so appropriated.

RCW 89.16.040
amended.
Payments
from fund—
Reclamation
districts
specified.

SEC. 4. (RCW 89.16.040) From the moneys appropriated from the reclamation fund there shall be paid, upon vouchers approved by the director of conservation, the administrative expenses of the director under this chapter and such amounts as are found necessary for the investigation and survey of reclamation projects proposed to be financed in whole or in part by the director, and such amounts as may be authorized by him for the reclamation of logged-off lands and of lands of diking, diking improvement, drainage, drainage improvement, diking and drainage, diking and drainage improvement, irrigation and irrigation improvement districts, and such other districts as are authorized by law for the reclamation or development of waste or undeveloped lands, and all such districts and improvement districts shall, for the purposes of this chapter, be known as reclamation districts.

SEC. 5. Section 7, chapter 158, Laws of 1919, as amended by section 2, chapter 132, Laws of 1923, and RCW 89.16.070, are each amended to read as follows:

RCW 89.16.070 amended.

A diking, drainage, diking and drainage, and irrigation district, and improvement districts thereof through the parent district, or such other district as is authorized and organized for the reclamation or development of waste or undeveloped lands, may enter into contracts with the director for the reclamation of the lands of the district in the manner provided herein, or in such manner as such districts may contract with the United States or with individuals or corporations, for making surveys and furnishing engineering plans and supervision for the construction of all works and improvements necessary for the reclamation of its lands, and for the sale or delivery of its bonds, and may issue bonds of the district for such purposes.

Districts may contract with director.

SEC. 6. There is added to chapter 85.08 RCW a new section to read as follows:

New section.

Whenever an improvement district is sought to be established, in addition to the procedures authorized by this chapter there may be employed any other method authorized by law for the formation of districts or improvement districts so that the improvement district will qualify under the provisions of chapter 89.16 RCW.

Alternative methods authorized.

SEC. 7. There is added to chapter 87.36 RCW a new section to read as follows:

New section.

Whenever a local improvement district is sought to be established within an irrigation district, in addition to the procedures provided in this chapter there may be employed any method authorized by law for the formation of districts or improvement districts so that when formed it will qualify under the provisions of chapter 89.16 RCW.

Alternative methods authorized.

Emergency.

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 House February 21, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 105.

[H. B. 92.]

OBSCENE MATERIALS—SALE AND DISTRIBUTION.

AN ACT relating to enjoining the sale or distribution of obscene materials.

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

Jurisdiction to enjoin.

SECTION 1. The superior courts shall have jurisdiction to enjoin the sale or distribution of obscene prints and articles as hereinafter specified.

Injunction authorized.

SEC. 2. The prosecuting attorney of every county of the state, in which a person, firm, or corporation sells or distributes or offers to sell or distribute or has in his possession with intent to sell or distribute any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure, image or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy or indecent, or which contains an article or instrument of indecent use or purports to be for indecent use or purpose, may maintain an action in the name of the state for an injunction against such person, firm, or corporation in the superior court to prevent the sale or further sale or the distribution or further dis-

tribution or the acquisition or possession of any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure or image or any written or printed matter of indecent character, herein described.

SEC. 3. The person, firm, or corporation sought to be enjoined shall be entitled to a trial by jury of the issues within a reasonable time after joinder of issue and a judgment shall be entered by the court within two days of the conclusion of the trial. No injunction or restraining order shall be issued prior to the conclusion of the trial.

Trial by jury
—Judgment.

SEC. 4. In the event that a final order or judgment of injunction be entered in favor of the state and against the person, firm, or corporation sought to be enjoined, such final order or judgment shall contain a provision directing the person, firm, or corporation to surrender to the sheriff of the county in which the action was brought any of the matter described in section two hereof, and each sheriff shall be directed to seize and destroy the same.

Matter
surrendered—
Destroyed.

SEC. 5. In any action brought as herein provided, the prosecuting attorney shall not be required to file any undertaking before the issuance of an injunction order provided for in section four hereof, shall not be liable for costs and shall not be liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm, or corporation sought to be enjoined.

Action, summary—Non-
liability of
prosecuting
attorney.

SEC. 6. Every person, firm, or corporation who sells, distributes, or acquires possession with intent to sell or distribute any of the matter described in section two hereof, after the service upon him of a summons and complaint in an action brought by the

Knowledge
chargeable
after service.

prosecuting attorney pursuant to this act is chargeable with knowledge of the contents thereof.

Exemptions.

SEC. 7. Nothing in this act shall apply to any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

Severability.

SEC. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 106.

[H. B. 167.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; amending section 30.04.010, chapter 33, Laws of 1955 and RCW 30.04.010; amending section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter 356, Laws of 1955, and RCW 30.04.090; amending section 30.12.080, chapter 33, Laws of 1955 and RCW 30.12.080; amending section 30.16.030, chapter 33, Laws of 1955 and RCW 30.16.030; and amending section 30.20.060, chapter 33, Laws of 1955 and RCW 30.20.060.

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

RCW 30.04.010 amended.

SECTION 1. Section 30.04.010, chapter 33, Laws of 1955 and RCW 30.04.010 are each amended to read as follows:

Certain terms used in this title shall have the meanings ascribed in this section. Definitions.

“Banking” shall include the soliciting, receiving or accepting of money or its equivalent on deposit as a regular business. “Banking.”

“Bank”, unless a different meaning appears from the context, means any corporation organized under the laws of this state engaged in banking, other than a trust company or a mutual savings bank. “Bank.”

“Branch bank” means any office of deposit or discount maintained by any bank or trust company, domestic or otherwise, other than its principal place of business, regardless of whether it be in the same city or locality. “Branch bank.”

The term “trust business” shall include the business of doing any or all of the things specified in RCW 30.08.150 (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11). “Trust business.”

“Trust company,” unless a different meaning appears from the context, means any corporation organized under the laws of this state engaged in trust business. “Trust company.”

A “savings account” is an account of a bank in respect of which, (1) a passbook, certificate or other receipt may be required by the bank to be presented whenever a deposit or withdrawal is made and (2) the depositor at any time may be required by the bank to give notice of an intended withdrawal before the withdrawal is made. “Savings account.”

“Savings bank” shall include (1) any bank whose deposits shall be limited exclusively to savings accounts, and (2) the department of any bank or trust company that accepts, or offers to accept, deposits for savings accounts in accordance with the provisions of this title. “Savings bank.”

“Commercial bank” shall include any bank other than one exclusively engaged in accepting deposits for savings accounts. “Commercial bank.”

"Person."

"Person" unless a different meaning appears from the context, shall include a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

"Supervisor."

"Supervisor" means the state supervisor of banking.

"Foreign bank," "foreign banker" includes.

"Foreign bank" and "foreign banker" shall include:

(1) Every corporation not organized under the laws of the territory or state of Washington doing a banking business, except a national bank;

(2) Every unincorporated company, partnership or association of two or more individuals organized under the laws of another state or country, doing a banking business;

(3) Every other unincorporated company, partnership or association of two or more individuals, doing a banking business, if the members thereof owning a majority interest therein or entitled to more than one-half of the net assets thereof are not residents of this state;

(4) Every nonresident of this state doing a banking business in his own name and right only.

RCW 30.04.090 amended.

SEC. 2. Section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter 356, Laws of 1955, and RCW 30.04.090 are each amended to read as follows:

Minimum available funds required—Exception.

Every bank and trust company shall have on hand at all times in available funds, not less than six percent of its savings account and time account deposits and not less than fifteen percent of all of its other deposits and one hundred percent of its uninvested trust funds; such sums may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. Deficiencies in such available funds shall be computed on the basis of average daily net balances of

such sums, covering weekly periods. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

SEC. 3. Section 30.12.080, chapter 33, Laws of 1955 and RCW 30.12.080 are each amended to read as follows:

RCW 30.12.080 amended.

A director, officer or employee of a bank or trust company shall not:

Restrictions on officers and employees.

(1) Have any interest, direct or indirect, in the profits of the corporation except to receive reasonable compensation for services actually rendered, which, in the case of an officer or director, shall be determined by the board of directors; and except to receive dividends upon any stock of the corporation that he may own, the same as any other stockholder and under the same regulations and conditions; and except to receive interest upon deposits he may have with the corporation, the same as other like depositors and under the same regulations and conditions: *Provided, however,* That nothing in this section shall be construed to prevent the payment to an employee of a salary bonus in addition to his normal salary, when such bonus is authorized by a resolution adopted by a vote of a majority of the board of directors of such corporation: *Provided further,* That nothing in this section shall be construed to prevent the establishment by vote of the stockholders of such bank or trust company, of a profit-sharing retirement trust or plan and the making of contributions thereto by such bank or trust company.

(2) Become a member of the board of directors of any other bank or trust company or a national banking association, of which board enough other directors, officers or employees of the corporation

are members to constitute with him a majority of its board of directors.

(3) Receive directly or indirectly and retain for his own use any commission or benefit from any loan made or other transaction had by the corporation, or any pay or emolument for services rendered to any borrower from the corporation or from any person transacting business with it, in connection with the loan or transaction, except that an attorney for the corporation, though he be a director thereof, may receive reasonable compensation for professional services rendered the borrower or other person.

RCW 30.16.030 amended.

SEC. 4. Section 30.16.030, chapter 33, Laws of 1955 and RCW 30.16.030, are each amended to read as follows:

Stop-payment orders.

Revocation, countermand and stop-payment orders relating to the payment of any check drawn against the account of a depositor in any bank or trust company shall be confirmed in writing within fifteen days and shall remain in effect for six months from the time of delivery thereof to such bank or trust company.

RCW 30.20.060 amended.

SEC. 5. Section 30.20.060, chapter 33, Laws of 1955 and RCW 30.20.060 are each amended to read as follows:

Savings deposits—Regulations.

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 passbook shall be issued to each savings account depositor, or a ledger record maintained, in lieu of a passbook when the depositor so requests in writing, 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 passbook issued therefor, except for good cause and assurance satisfactory to the corporation.

Passed the House February 19, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 107.

[H. B. 292.]

LIVESTOCK MARKETING AND INSPECTION.

AN ACT relating to livestock; providing penalties; and repealing sections 1 through 4, chapter 187, Laws of 1947 as amended by sections 6 and 7, chapter 98, Laws of 1949 and RCW 16.64.010 through 16.64.040.

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

SECTION 1. For the purposes of this act:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market,

Definitions.

"Public livestock market."

consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment: *Provided*, That it does not include a farmer selling his own livestock on his own premises by auction or any other method, or a farmers cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale under such association's management and responsibility, and such special sale has been approved by the director in writing: *Provided*, That such special sale shall be subject to brand and health inspection requirements as herein provided for sales at public livestock markets.

"Department."

(2) "Department" means the department of agriculture of the state of Washington.

"Director."

(3) "Director" means the director of the department or his duly authorized representative.

"Licensee."

(4) "Licensee" means any person licensed under the provisions of this act.

"Livestock" includes.

(5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, goats, poultry and rabbits.

"Person."

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

"Stockyard."

(7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: *Provided*, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

"Packer."

(8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing

meat or meat products for sale, marketing meat, meat food products or livestock products.

(9) "Deputy state veterinarian" means a graduate veterinarian authorized to practice in the state of Washington and appointed or deputized by the director as his duly authorized representative.

"Deputy state veterinarian."

SEC. 2. Public livestock markets shall be under the direction and supervision of the director, and the director, but not his duly authorized representative, may adopt such rules and regulations as are necessary to carry out the purpose of this act. It shall be the duty of the director to enforce and carry out the provisions of this act and rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out any duties imposed upon him by this act or rules and regulations adopted hereunder.

Administration—Enforcement—Interference prohibited.

SEC. 3. On and after the effective date of this act no person shall operate a public livestock market without first having obtained a license from the director. Application for such license shall be in writing on forms prescribed by the director, and shall include the following:

Public livestock market license.

(1) A legal description of the property upon which the public livestock market shall be located.

Application—Contents.

(2) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

(3) A detailed statement showing all the assets and liabilities of the applicant.

(4) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(5) The weekly or monthly sales day or days on

which the applicant proposes to operate his public livestock market sales.

(6) Such other information as the director may reasonably require.

License fee.

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. A licensee may change the location of his public livestock market or markets subject to the provisions of this act and the approval of the new public livestock market facilities by the director.

Expiration of license—Penalty upon failure to renew.

SEC. 4. All licenses provided for in this act shall expire on March first subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for a renewal of a pre-existing license on or before the date of expiration, shall pay a penalty of twenty-five dollars, which shall be added to the regular one hundred dollar license fee, before such license may be renewed by the director.

Disposition of license fees.

SEC. 5. All fees provided for under this act shall be retained by the director for the purpose of enforcing this act.

License posted.

SEC. 6. The licensee's license shall be posted conspicuously in the main office of such licensee's public livestock market.

Issuance to prior operators.

SEC. 7. Any person legally operating a community livestock salesyard under a permit issued pursuant to chapter 16.64 and engaged in such business upon the effective date of this act shall be issued a license, upon execution of the bond as in this act provided and upon application and payment of the one hundred dollar license fee required herein: *Provided*, That such licensee shall comply

with all the provisions of this act and rules and regulations adopted hereunder. Such licensee shall comply with all the building, pen and yard facility requirements of this act within one year from its effective date. Failure to comply with such requirements shall be sufficient grounds, upon hearing, for the director's revocation of the licensee's license.

SEC. 8. (1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; (c) has violated any laws of the state that require health or brand inspection of livestock; (d) has violated any condition of the bond, as provided in this act.

Denial, suspension or revocation of licenses, procedure.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

Hearing—
Notice of.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he

Subpoenas.

Testimony. desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

Findings. (4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Appeal. (5) The revocation, suspension or denial of a license shall be in writing, signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within twenty days after a copy thereof is served upon him, to the superior court of the county in which the applicant's public livestock market is located. Trial on such appeal shall be de novo: *Provided*, That upon agreement of the parties it may be confined to a review of the record made at the hearing before the director. The trial on such appeal from the order of the director shall be held in the superior court of the county of the residence of the licensee or applicant.

(6) An appeal shall lie to the supreme court from the judgment of the superior court as provided in other civil cases.

Brand
inspection—
Fee, minimum.

SEC. 9. The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market: *Provided*, That if in any one sale day the total fees collected for brand inspection do not exceed twenty dollars, then such

licensee shall pay twenty dollars for such brand inspection.

SEC. 10. The licensee of each public livestock market shall collect from any purchaser of livestock requesting brand inspection a fee as provided by law for each animal inspected. Such fee shall be in addition to the fee charged to the consignor for brand inspection and shall not apply to the minimum fee chargeable to the licensee.

Brand
inspection for
purchaser
—Fee.

SEC. 11. The director shall cause a charge to be made for any examining, testing, treating, or inoculation required by this act and rules and regulations adopted hereunder. Such charge shall be paid by the licensee to the department and such charge shall include the cost of the required drugs and a fee no larger than two dollars nor less than fifty cents for administration of such drugs to each animal and such fee shall be set at the discretion of the director. However, if the total fees payable to the department for such examining, testing, treating or inoculation do not exceed the actual cost to the department for such examining, testing, treating, or inoculation, or ten dollars (whichever is greater), the director shall require the licensee to pay the actual cost of such examining, testing, treating, or inoculation, or ten dollars (whichever is greater), to the department.

Examining,
treating—
Charges.

SEC. 12. A licensee shall not, except as provided in this act, pay the net proceeds or any part thereof arising from the sale of livestock consigned to the said licensee for sale, to any person other than the consignor of such livestock except upon an order from a court of competent jurisdiction, unless (1) such licensee has reason to believe that such person is the owner of the livestock; (2) such person holds a valid unsatisfied mortgage or lien upon the particular livestock, or (3) such person holds a

Proceeds paid
to consignor
—Exceptions.

written order authorizing such payment executed by the owner at the time of or immediately following the consignment of such livestock.

Unlawful use
of proceeds.

SEC. 13. It shall be unlawful for the licensee to use for his own purposes consignor's net proceeds, or funds received by such licensee to purchase livestock on order, through recourse to the so-called "float" in the bank account, or in any other manner.

"Custodial
account for
consignor's
proceeds."

SEC. 14. If the director finds that any licensee has used for purposes of his own any proceeds derived from the sale of livestock handled on a commission or agency basis, or any funds received for the purchase of livestock on a commission or agency basis, or any other funds which have come into his possession as an agent, such licensee shall thereafter deposit the gross proceeds received from the sale of livestock handled on a commission or agency basis in a separate bank account designated a "custodial account for consignor's proceeds". Such account shall be drawn on only for the payment of net proceeds to the consignor, or such other person or persons of whom such licensee has knowledge is entitled to such proceeds, and to obtain from such proceeds only the sums due the licensee as compensation for his services as are set out in his tariffs, and for such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his capacity as agent is required to pay for on behalf of the consignor or shipper. The licensee in each case shall keep such accounts and records that will at all times disclose the names of the consignors and the amount due and payable to each from the funds in the custodial account for consignor's proceeds. The licensee shall maintain the custodial account for consignor's proceeds in a manner that will expedite examination by the director and reflect compliance with the requirements of this section.

SEC. 15. The delivery of livestock, for the purpose of sale, by any consignor or vendor to a public livestock market without making a full disclosure to the agent or licensee of such public livestock market of any unsatisfied lien or mortgage upon such livestock shall constitute a gross misdemeanor.

Lack of disclosure, gross misdemeanor.

SEC. 16. The licensee shall deliver the net proceeds together with an invoice to the consignor or shipper within twenty-four hours after the sale or by the end of the next business day if the licensee is not on notice that any other person or persons have a valid interest in the livestock.

Immediate delivery of proceeds.

SEC. 17. The licensee shall keep accurate records which shall be available for inspection to all parties directly interested therein, and such records shall contain the following information:

Records of licensee.

Contents.

(1) The date on which each consignment of livestock was received and sold.

(2) The name and address of the buyer and seller of such livestock.

(3) The number and specie of livestock received and sold.

(4) The marks and brands on such livestock as supplied by a brand inspector.

(5) The health status of such livestock as supplied by a veterinarian.

(6) All statements of warranty or representations of title material to, or upon which, any such sale is consummated.

(7) The gross selling price of such livestock with a detailed list of all charges deducted therefrom.

Such records shall be kept by the licensee for one year subsequent to the receipt of such livestock.

SEC. 18. All rates or charges made for any stockyard services furnished at a public livestock market shall be just, reasonable, and nondiscriminatory,

Unjust rate unlawful.

and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful.

Schedule of rates.

SEC. 19. No person shall hereafter operate a public livestock market unless such person has filed a schedule with the application for license to operate such public livestock market. Such schedule shall show all rates and charges for stockyard services to be furnished by such person at such public livestock market.

Contents.

Posting.

(1) Schedules shall be posted conspicuously at the public livestock market, and shall plainly state all such rates and charges in such detail as the director may require, and shall state any rules and regulations which in any manner change, affect, or determine any part of the aggregate of such rates or charges, or the value of the stockyard services furnished. The director may determine and prescribe the form and manner in which such schedule shall be prepared, arranged and posted.

Change in rates—
Procedure.

(2) No changes shall be made in rates or charges so filed and published except after thirty days' notice to the director and to the public filed and posted as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect.

Prohibited acts by licensee.

(3) No licensee shall charge, demand or collect a greater or a lesser or a different compensation for such service than the rates and charges specified in the schedule filed with the director and in effect at the time; nor shall a licensee refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from properly returning to its members, on a patronage basis, its excess earnings on their livestock); nor shall a licensee extend to any person at such public livestock market any stockyard services except such as are specified in such schedule.

SEC. 20. Before any license is issued to operate a public livestock market, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this act and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market.

Bond pre-requisite to license.

The total and aggregate liability of the surety for all claims which may arise during any one license period upon the bond shall be limited to the face of the bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of licensee is revoked for cause or otherwise cancelled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration of the thirty-day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty-day period, file a new bond, the director shall forthwith cancel the principal's license.

Liability of surety limited.

Bond--Determination of sum.

SEC. 21. The sum of the bond to be executed by an applicant for a public livestock market license shall be determined in the following manner:

(1) Determine the dollar volume of business carried on, at, or through, such applicant's public livestock market in the twelve-month period prior to such applicant's application for a license.

(2) Divide such dollar volume of business by the number of official sale days granted such applicant's public livestock market, as herein provided, in the same twelve-month period provided for in subsection (1).

(3) One-half the sum determined by carrying out the provisions of subsections (1) and (2) shall be the sum of the bond the applicant shall execute in favor of the state: *Provided*, That the sum of the applicant's bond shall at no time be in an amount less than five thousand dollars, nor greater than twenty-five thousand dollars.

Minimum, maximum sum.

New business, determining bond.

SEC. 22. If the application for a license to operate a public livestock market is from a new public livestock market which has not operated in the past twelve-month period, the director shall determine a bond, in a reasonable sum, that the applicant shall execute in favor of the state, which shall not be less than five thousand dollars nor greater than twenty-five thousand dollars: *Provided*, That the director may at any time, upon written notice, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.

Each market bonded.

SEC. 23. Any licensee operating more than one public livestock market shall execute a bond, as herein provided, for each such licensed public livestock market.

Action upon bond, for fraud.

SEC. 24. Any vendor or consignor creditor claiming to be injured by the fraud of any licensee may

bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud.

SEC. 25. The director or any vendor or consignor creditor may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this act and the rules and/or regulations adopted hereunder.

Action upon bond, failure to comply with act.

SEC. 26. In case of failure by a licensee to pay amounts due a vendor or consignor creditor whose livestock was handled or sold through or at the licensee's public livestock market, as evidenced by a verified complaint filed with the director, the director may proceed forthwith to ascertain the names and addresses of all vendor or consignor creditors of such licensee, together with the amounts due and owing to them and each of them by such licensee, and shall request all such vendor and consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known vendor or consignor creditor at his last known address.

Failure of payment by licensee—Claim procedure.

Verified claim.

SEC. 27. If a vendor or consignor creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within sixty days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said producer or consignor creditor.

Default upon failure to file claim.

SEC. 28. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all said vendor and consignor creditors, the director, after exerting due diligence and making reasonable inquiry to secure said information from all reasonable and available

Director not liable for claims, when.

sources, may make demand on said bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

Director's
demand upon
bond.

SEC. 29. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

Action on
bond—New
bond filed.

SEC. 30. Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the bond in behalf of said vendor and consignor creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond. Immediately upon the recovery in any action on such bond such licensee shall file a new bond. Upon failure to file the same within ten days, in either case, such failure shall constitute grounds for the suspension or revocation of his license.

Creditors
share pro
rata—Prior-
ity claims.

SEC. 31. In any settlement or compromise by the director with a surety company as provided in section 29, where there are two or more consignor and/or vendor creditors that have filed claims, either fixed or contingent, against a licensee's bond, such creditors shall share pro rata in the proceeds of the bond to the extent of their actual damage: *Provided*, That the claims of the state and the department which may accrue from the conduct of the licensee's public livestock market shall have priority over all other claims.

Director may
receive veri-
fied com-
plaints.

SEC. 32. For the purpose of enforcing the provisions of this act, the director is authorized to

receive verified complaints from any vendor or consignor against any licensee, or agent, or any person assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to such complaint. The director is empowered to administer oaths of verification of such complaints.

SEC. 33. For the purpose of making investigations as provided for in section 32, the director may enter a public livestock market and examine any records required under the provisions of this act. The director shall have full authority to issue subpoenas requiring the attendance of witnesses before him, together with all books, memorandums, papers, and other documents relative to the matters under investigation, and to administer oaths and take testimony thereunder.

Investigating powers of director.

SEC. 34. The director may, when livestock is sold, traded, exchanged or handled at or through a public livestock market, require such testing, treating, identifying and examining of such livestock by a deputy state veterinarian as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, paratuberculosis, hog cholera or any other infectious, contagious or communicable disease among the livestock of this state.

Director may require testing, treating.

SEC. 35. (1) The director shall perform all tests and make all examinations required under the provisions of this act and rules and regulations adopted hereunder: *Provided*, That veterinary inspectors of the United States Department of Agriculture may be appointed by the director to make such examinations and tests as are provided for in this act without bond or compensation, and shall have the same authority and power in this state as a deputy state veterinarian.

Examinations and tests by director.

Sanitary
control by
director.

(2) The director shall have the responsibility for the direction and control of sanitary practices and health practices and standards and for the examination of animals at public livestock markets. The deputy state veterinarian at any such public livestock market shall notify the licensee or his managing agent, in writing, of insanitary practices or conditions. Such deputy state veterinarian shall notify the director if the improper sanitary practices or conditions are not corrected within the time specified. The director shall investigate and upon finding such report correct shall take appropriate action to hold a hearing on the suspension or revocation of the licensee's license.

Sanitary
facilities
required in
livestock
markets.

SEC. 36. Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(1) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved sewage system: *Provided*, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(2) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(3) All yards, chutes and pens used in handling livestock shall be constructed of such materials which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean,

sanitary and in good repair at all times, as required by the director.

(4) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens, when used, shall be cleaned and disinfected no later than the day subsequent to each sale.

(5) All swine pens, when used, shall be cleaned and disinfected no later than the day subsequent to each sale.

(6) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(7) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(a) hard surfaced with concrete or similar impervious material and shall be kept in good repair;

(b) provided with separate watering facilities;

(c) painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate;

(d) provided with a tight board fence not less than five and one-half feet high;

(e) cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

SEC. 37. Pens used to hold livestock for a period of twenty-four hours or more shall have watering and feeding facilities for livestock held in such pens; it shall be unlawful to hold livestock for a period

Feeding and watering facilities required.

longer than twenty-four hours in such pens without feeding and watering such livestock.

Facilities for functions of veterinarians.

SEC. 38. Public livestock market facilities shall include adequate space and facilities necessary for deputy state veterinarians to properly carry out their functions as prescribed by law and rules and regulations adopted hereunder.

Facilities for brand inspection.

SEC. 39. Public livestock market facilities shall include space and facilities necessary for brand inspectors to properly carry out their duties, as provided by law and rules and regulations adopted hereunder, in a safe and expeditious manner.

Weighing facilities.

SEC. 40. (1) Each licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.

Livestock weighed.

(2) All livestock consigned to or sold at or through a public livestock market shall be weighed by a licensed weighmaster.

(3) All scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.

Scale tickets.

(5) The scale ticket shall have the weights mechanically imprinted upon such tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate for all livestock weighed at a public livestock market. A copy of such weight tickets shall be issued to the buyer and seller of the livestock weighed.

Unlawful control by packer.

SEC. 41. It shall be unlawful for a packer to own or control more than a twenty percent interest in any public livestock market, directly or indirectly

through stock ownership or control, or otherwise by himself or through his agents or employees.

SEC. 42. (1) The licensee may apply to the director for a change of official sale date or dates. However, such application shall be subject to a hearing and approval by the director. Sale dates—
Application
for change.

(2) No special sale shall be conducted by the licensee unless the licensee has applied to the director in writing fifteen days prior to such proposed sale and such sale date shall be approved at the discretion of the director.

SEC. 43. Information and records of the licensee that are necessary for the compilation of adequate reports on the marketing of livestock shall be made available to the director or any news service, publishing or broadcasting such market reports. Records to be
available.

SEC. 44. Any person who shall violate any provisions or requirements of this act or rules and regulations adopted by the director pursuant to this act shall be deemed guilty of a misdemeanor; and any subsequent violation thereafter shall be deemed a gross misdemeanor. Violations,
misdemeanor,
gross misde-
meanor.

SEC. 45. 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. Severability.

SEC. 46. Any licensee or applicant who has had his or its license revoked, suspended or denied by the director and feels himself or itself aggrieved by said order may appeal to the superior court of the county in the state of Washington of the residence of the licensee or applicant where the trial on such appeal shall be held de novo. Appeal.

SEC. 47. Sections 1 through 4, chapter 187, Laws of 1947 as amended by sections 6 and 7, chapter 98, Repeal.

Laws of 1949 and RCW 16.64.010 through 16.64.040 are each repealed.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 108.

[H. B. 382.]

WATER DISTRICTS

AN ACT relating to water districts; amending section 8, chapter 114, Laws of 1929 and RCW 57.08.010; amending section 3, chapter 251, Laws of 1953 and RCW 57.08.045; adding two new sections to chapter 57.08 RCW; amending section 7, chapter 114, Laws of 1929, as last amended by section 1, chapter 18, Laws of 1959, and RCW 57.12.010; amending section 6, chapter 18, Laws of 1959 and RCW 57.16.010; amending section 7, chapter 18, Laws of 1959 and RCW 57.16.020; amending section 8, chapter 18, Laws of 1959 and RCW 57.16.030; amending section 9, chapter 18, Laws of 1959 and RCW 57.16.040; adding a new section to chapter 57.16 RCW; amending section 3, chapter 128, Laws of 1939 and RCW 57.20.020; amending section 17, chapter 251, Laws of 1953 and RCW 57.20.025; amending section 23, chapter 114, Laws of 1929 and RCW 57.20.140; adding four new sections to chapter 57.20 RCW; adding two new sections to Title 57, RCW; and declaring an emergency.

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

RCW 57.08.010
amended.

SECTION 1. Section 8, chapter 114, Laws of 1929 and RCW 57.08.010 are each amended to read as follows:

Right to ac-
quire property
and rights—
Eminent
domain.

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be

needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, distribution and price thereof. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

New section.

SEC. 2. There is added to chapter 57.08 RCW a new section to read as follows:

Collection of charges—
Property lien.

The commissioners shall enforce collection of the water connection charges and rates and charges for water supplied against property owners connecting with the system and/or receiving such water, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either water connection charges or rates and charges for water supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the district is situated, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

New section.

SEC. 3. There is added to chapter 57.08 RCW a new section to read as follows:

Collection of charges—
Civil action.

The district may, at any time after the connection charges or rates and charges for water supplied and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the district is

situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

Attorney's
fee.

SEC. 4. Section 3, chapter 251, Laws of 1953 and RCW 57.08.045 are each amended to read as follows:

RCW 57.08.045
amended.

A water district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person or corporation, for the acquisition, ownership, use and operation of any property, facilities, or services, within or without the water district and necessary or desirable to carry out the purposes of the water district, and a water district may provide water services to property owners outside the limits of the water district.

Contracts for
joint use.

Service out-
side district.

SEC. 5. Section 7, chapter 114, Laws of 1929, as last amended by section 1, chapter 18, Laws of 1959, and RCW 57.12.010 are each amended to read as follows:

RCW 57.12.010
amended.

The officers of [a] district shall be a board of water commissioners consisting of three members. The board shall annually elect one of its members as president and another as secretary.

Commis-
sioners—
Officers.

The secretary may be paid a reasonable sum for the clerical services performed by him. The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

Administra-
tion.

A district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each

Compensation.

day or major part thereof devoted to the business of the district: *Provided*, That the per diem for each commissioner shall not exceed six hundred dollars per year. No commissioner shall be employed full time by the district. Each 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 per mile.

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.

RCW 57.16.010
amended.

SEC. 6. Section 6, chapter 18, Laws of 1959 and RCW 57.16.010 are each amended to read as follows:

Comprehen-
sive plan of
improvements.

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire

fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds as in this act provided. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

SEC. 7. Section 7, chapter 18, Laws of 1959 and RCW 57.16.020 are each amended to read as follows:

RCW 57.16.020 amended.

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the forty mill tax limitation for the construction of any part or all of the general comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon, at which such election the total number of persons voting shall constitute not less than forty percent of the total number of votes cast in said water district at the last preceding general state election. When the general comprehensive plan has

Vote on general indebtedness.

been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

RCW 57.16.030 amended.

SEC. 8. Section 8, chapter 18, Laws of 1959 and RCW 57.16.030 are each amended to read as follows:

Election to authorize revenue bonds.

The commissioners may submit at any general or special election, a proposition that the district issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital or other costs of any part or all of the general plan. The amount of the bonds to be issued shall be included in the proposition submitted.

The proposition to issue such revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding coupon maturity date.

No proposition for the issuance of revenue bonds shall be submitted at any election if there are outstanding any district local improvement district bonds issued under the provisions of RCW 57.20.030 to 57.20.090, unless the proposition provides that all such local improvement district bonds shall be paid out of the proceeds of the sale of the revenue bonds.

The proposition for issuance of revenue bonds shall be adopted by a majority of the voters voting thereon. When a proposition has been adopted the commissioners may forthwith carry out the general plan to the extent specified.

RCW 57.16.040 amended.

SEC. 9. Section 9, chapter 18, Laws of 1959 and RCW 57.16.040 are each amended to read as follows:

In the same manner as provided for the adoption of the original general comprehensive plan, a plan providing for additions and betterments to the original general plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of or addition to the general comprehensive plan.

Additions and betterments.

Includes.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty mill limitation for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments pursuant to resolution of the board of water commissioners without submitting a proposition therefor to the voters of the district.

Revenue bonds authorized.

SEC. 10. There is added to chapter 57.16 RCW a new section to read as follows:

New section.

Whenever a water district shall have adopted a general comprehensive plan and bonds to defray the cost thereof shall have been authorized by the electors of the district, and before the completion of the improvements the board of water commissioners shall find by resolution that the authorized bonds are not sufficient to defray the cost of such improvements due to the increase of costs of construction subsequent to the adoption of said plan, the board of water commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance and sale of additional

Additional water revenue bonds authorized.

water revenue bonds for such purpose in excess of those previously authorized: *Provided*, That in no event shall the principal amount of such additional water revenue bonds exceed twenty percent of such previously authorized bonds.

RCW 57.20.020
amended.

SEC. 11. Section 3, chapter 128, Laws of 1939 and RCW 57.20.020 are each amended to read as follows:

Revenue
bonds, form.

Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest payable semi-annually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed six percent per annum; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof; and may have facsimile signatures of said president and secretary imprinted on the interest coupons in lieu of original signatures.

Special funds.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues,

or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the water district commissioners shall deem for the best interests of the water district, either at public or private sale and at any price, but not at any price where the effective cost of money to the water district shall exceed seven percent per annum, and the said commissioners may provide in any contract for the construction and

Bonds as
claims.

Sale of
bonds.

acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the water district and compel such setting aside and payment.

Adequate
rates to be
fixed.

The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including

Classification
of service—
Factors in.

but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

SEC. 12. There is added to chapter 57.20 RCW New section.
a new section to read as follows:

The board of water commissioners may make such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on water revenue bonds of the district, including but not being limited to covenants for the establishment and maintenance of adequate reserves to secure or guarantee the payment of such principal and interest; the protection and disposition of the proceeds of sale of such bonds; the use and disposition of the gross revenues of the water supply system of the district and any additions or betterments thereto or extensions thereof; the use and disposition of any utility local improvement district assessments; the creation and maintenance of funds for renewals and replacements of the system; the establishment and maintenance of rates and charges adequate to pay principal and interest of such bonds and to maintain adequate coverage over debt service; the maintenance, operation and management of the system and the accounting, insuring and auditing of the business in connection therewith; the terms upon which such bonds or any of them may be redeemed at the election of the district; limitations upon the right of the district to dispose of its system or any part thereof; the appointment of trustees, depositaries and paying agents to receive, hold, dis-

Covenants to secure payment of bonds authorized.

burse, invest and reinvest all or any part of the proceeds of sale of the bonds and all or any part of the income, revenue and receipts of the district, and the board of water commissioners may make such other covenants as it may deem necessary to accomplish the most advantageous sale of such bonds. The board of water commissioners may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold.

RCW 57.20.025
amended.

SEC. 13. Section 17, chapter 251, Laws of 1953 and RCW 57.20.025 are each amended to read as follows:

Refunding
revenue
bonds
authorized.

The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, and/or all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total interest cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds used, except as hereinafter provided, exclusively for the purpose of paying, retiring and canceling the bonds to be refunded and interest thereon.

All unpaid utility local improvement district assessments payable into the revenue bond redemption fund established for payment of the bonds to

be refunded shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds.

Whenever local improvement district bonds have been refunded as required by RCW 57.16.030, or pursuant to this section, all local improvement district assessments remaining unpaid shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balance, if any, in the local improvement guaranty fund of the district and the proceeds received from any other assets owned by such fund shall be used in whole or in part as a reserve fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of water commissioners may determine. In the event that any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue bonds, said bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

The provisions of RCW 57.20.020 shall apply to the refunding revenue bonds issued under this title.

SEC. 14. Section 23, chapter 114, Laws of 1929 and RCW 57.20.140 are each amended to read as follows:

RCW 57.20.140
amended.

The county treasurer shall create and maintain a separate fund designated as the maintenance fund or general fund of the district into which shall be paid all money received by him from the collection of taxes other than taxes levied for the payment of general obligation bonds of the district and all revenues of the district other than assessments levied in local improvement districts or utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or

Maintenance
fund created.

Special funds. upon a resolution of the commissioners ordering a transfer to any other fund of the district. The county treasurer shall also maintain such other special funds as may be prescribed by the water district, into which shall be placed such moneys as the board of water commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of water commissioners.

New section. SEC. 15. There is added to chapter 57.20 RCW a new section to read as follows:

Use of excess money in maintenance fund. Whenever a water district has accumulated moneys in the maintenance fund or general fund of the district in excess of the requirements of such fund, the board of water commissioners may in its discretion use any of such surplus moneys for any of the following purposes: (1) redemption or servicing of outstanding obligations of the district, (2) maintenance expenses of the district, (3) construction or acquisition of any facilities necessary to carry out the purpose of the district.

New section. SEC. 16. There is added to chapter 57.20 RCW a new section to read as follows:

Investments authorized. Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize and direct the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation, or to invest such moneys in direct obligations of the United States government: *Provided*, That the county treasurer may refuse to invest any

district moneys for a period shorter than ninety days, or in an amount less than five thousand dollars, or any moneys, the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

SEC. 17. There is added to chapter 57.20 RCW a new section to read as follows: **New section.**

The board of water commissioners of any water district may, by resolution, authorize and direct a loan or loans from maintenance funds or general funds of the district to construction funds of the district: *Provided*, That such loan does not, in the opinion of the board of water commissioners, impair the ability of the district to operate and maintain its water supply system. **Loans to construction fund authorized.**

SEC. 18. There is added to Title 57 RCW a new section to read as follows: **New section.**

All debts, contracts and obligations heretofore made or incurred by or in favor of any water district and all bonds, warrants, or other obligations issued by such district, and all charges heretofore made by such districts, and any and all assessments heretofore levied in any local improvement districts or utility local improvement districts of any water district, and all other things and proceedings relating thereto done or taken by such water districts or by their respective officers are hereby declared to be legal and valid and of full force and effect from the date thereof: *Provided*, That nothing in this section shall apply to ultra vires acts or acts of fraud committed by the officers or agents of said district. **Validation of prior acts.**

SEC. 19. There is added to Title 57 RCW a new section to read as follows: **New section.**

The rule of strict construction shall have no application to this title, but the same shall be liberally construed to carry out the purposes and objects for which this title is intended. **Construction.**

Severability.

SEC. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

SEC. 21. 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 February 24, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.



CHAPTER 109.

[H. B. 424.]

WORLD FAIR COMMISSION—CENTURY 21 EXPOSITION.

AN ACT relating to the world fair commission; changing the name thereof; and amending section 2, chapter 307, Laws of 1955, as amended by section 1, chapter 15, Laws of 1957, and RCW 43.96.020.

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

RCW 43.96.020 amended.

SECTION 1. Section 2, chapter 307, Laws of 1955, as amended by section 1, chapter 15, Laws of 1957, and RCW 43.96.020 are each amended to read as follows:

Fair commission created—Composition.

There is created the world fair commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, four by the president of the senate and four by the speaker of the house of representatives, to serve until April 30, 1961, the lieutenant governor and one member of the Seattle City Council, to be appointed by the Seattle City Council. The commission shall

Terms.

serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission.

SEC. 2. The world fair shall be known and called the Century 21 Exposition. Century 21
Exposition.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 110.

[H. B. 449.]

OSTEOPATHY.

AN Act relating to the practice of osteopathy and surgery; and amending section 4, chapter 4, Laws of 1919 and RCW 18.57.020.

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

SECTION 1. Section 4, chapter 4, Laws of 1919 and RCW 18.57.020 are each amended to read as follows: RCW 18.57.020
amended.

A certificate shall be issued by the director of licenses authorizing the holder thereof to practice osteopathy and surgery, including the use of internal medicine and drugs, and shall be the only type of certificate issued. All certificates to practice osteopathy or osteopathy and surgery, including the use of internal medicine and drugs, heretofore issued shall remain in full force and effect. Certification.

Certificate.

In order to procure a certificate to practice osteopathy and surgery, the applicant for such certificate must file with said director, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered school of osteopathy and surgery, the requirements of which shall have been at the time of granting such diploma in no particular Evidence of
qualifications
required with
application.

less than those prescribed by the American Osteopathic Association and the American Association of Osteopathic Colleges, or satisfactory evidence of having possessed such diploma, and he must file with such diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said director, and it shall contain such information concerning said medical instruction and the preliminary education of the applicant as said director may by rule provide. Applicants who have failed to meet the requirements must be rejected.

An applicant for a license to practice osteopathy and surgery must furnish evidence that he has served for not less than one year as interne in a thoroughly equipped hospital which shall have had at least twenty-five beds for each interne devoted to the treatment of medical, surgical, gynecological and special diseases, and he also must have had a service of six weeks, or the equivalent thereof in the maternity department of the same or some other hospital, during which time he shall have attended or participated in the attendance upon not less than six confinements. He shall furnish evidence that he has had sufficient experience in and a practical working knowledge of pathology, and the administering of internal medicine and drugs including anaesthetics.

Designations
authorized.

SEC. 2. No provision of this act or of any other law shall prevent any person who holds a valid, unrevoked certificate to practice osteopathy from using in combination with his name the designation "Osteopathic Physician and Surgeon" or the ab-

breiviation of his professional degree, Doctor of Osteopathy (D.O.), provided he holds such professional degree, or any combination thereof upon his stationery, in any professional lists or directories or in other places where the same may properly appear as permitted within the canons of ethics now or hereafter promulgated by the Washington State Osteopathic Association or its successors.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 111.

[H. B. 451.]

INTOXICATING LIQUOR—PERMITS—IDENTIFICATION CARDS.

AN ACT relating to intoxicating liquor; amending section 7, chapter 62, Laws of 1933, extraordinary session, and RCW 66.16.040; amending section 12, chapter 62, Laws of 1933, extraordinary session, as amended by section 1, chapter 13, Laws of 1951, second extraordinary session, and RCW 66.20.010; repealing section 15, chapter 62, Laws of 1933, extraordinary session, and RCW 66.20.050; amending section 1, chapter 67, Laws of 1949, and RCW 66.20.160; amending section 2, chapter 67, Laws of 1949, and RCW 66.20.170; amending section 3, chapter 67, Laws of 1949, and RCW 66.20.180; amending section 4, chapter 67, Laws of 1949, and RCW 66.20.190; amending section 5, chapter 67, Laws of 1949, and RCW 66.20.200; amending section 6, chapter 67, Laws of 1949, and RCW 66.20.210.

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

SECTION 1. Section 7, chapter 62, Laws of 1933, extraordinary session, and RCW 66.16.040 are each amended to read as follows:

RCW 66.16.040
amended.

Except as otherwise provided by law, an employee in a state liquor store may sell liquor to any person over the age of twenty-one years for beverage

Employee's
right to sell.

purposes and may also sell to holders of permits such liquor as may be purchased under such permits.

Card of identification.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person may obtain from the board a card of identification sealed in plastic which will show his correct age and bear his signature and photograph. The board may adopt such regulations as it deems proper covering the issuance of such cards of identification.

Cash payment.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

RCW 66.20.010 amended.

SEC. 2. Section 12, chapter 62, Laws of 1933, extraordinary session, as amended by section 1, chapter 13, Laws of 1951, second extraordinary session, and RCW 66.20.010 are each amended to read as follows:

Permits classified—Issuance.

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special import permit;

(5) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(6) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board.

SEC. 3. Section 15, chapter 62, Laws of 1933, extraordinary session, and RCW 66.20.050 are each repealed. Repeal.

SEC. 4. Section 1, chapter 67, Laws of 1949, and RCW 66.20.160 are each amended to read as follows: RCW 66.20.160 amended.

Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive, shall have the following meaning: Definitions.

“Card of identification” means a card as provided in RCW 66.16.040 as amended by this act. “Card of identification.”

“Licensee” means the holder of a retail liquor license issued by the board, and includes any employee or agent of the licensee. “Licensee.”

SEC. 5. Section 2, chapter 67, Laws of 1949, and RCW 66.20.170 are each amended to read as follows: RCW 66.20.170 amended.

Card as evidence.

The card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee and as evidence of legal age of the person to whom such permit was issued, provided the licensee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

RCW 66.20.180 amended.

SEC. 6. Section 3, chapter 67, Laws of 1949, and RCW 66.20.180 are each amended to read as follows:

Presentment upon request.

The card of identification shall be presented by the holder thereof upon request of any licensee for the purpose of aiding the licensee to determine whether or not such person is at least twenty-one years of age when such person desires to procure liquor from a licensed establishment.

RCW 66.20.190 amended.

SEC. 7. Section 4, chapter 67, Laws of 1949, and RCW 66.20.190 are each amended to read as follows:

Signed statement of identification.

In addition to the presentation by the holder and verification by the licensee of such card of identification, the licensee shall require the person whose age may be in question to sign a card and place the date and number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times.

RCW 66.20.200 amended.

SEC. 8. Section 5, chapter 67, Laws of 1949, and RCW 66.20.200 are each amended to read as follows:

Transfer of card prohibited.

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee. Any person

who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who makes any false statement on any card required by RCW 66.20.190, as amended by this act, to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine or not more than one hundred dollars or imprisonment for not more than thirty days or both.

Violations,
misdemeanor.

SEC. 9. Section 6, chapter 67, Laws of 1949, and RCW 66.20.210 are each amended to read as follows:

RCW 66.20.210
amended.

No licensee or the agent or employee of the licensee shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under twenty-one years of age if such person has presented a card of identification issued to him by the board in accordance with RCW 66.20.180, as amended by this act, and has signed a card as provided in RCW 66.20.190 as amended by this act.

Licensee's im-
munity, when.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Statement
card as
evidence.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 112.

[S. B. 327.]

POLITICAL ADVERTISING.

AN ACT relating to crimes and penalties; regulating political advertising; and amending section 1, chapter 317, Laws of 1955 and RCW 29.85.270.

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

RCW 29.85.270 amended.

SECTION 1. Section 1, chapter 317, Laws of 1955 and RCW 29.85.270 are each amended to read as follows:

Political advertising to identify sponsor, party.

All political advertising, whether relating to candidates or issues, however promulgated or disseminated, shall identify at least one of the sponsors thereof if the advertising is sponsored by other than the candidate or candidates listed thereon, by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs. The person or persons listed as sponsors of such advertising shall warrant its truth. The use of an assumed name shall be unlawful. Whenever any corporation sponsors political advertising, the name and address of the president of the corporation shall be listed on the material or in connection with its presentation.

Passed the Senate March 5, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 113.

[S. B. 342.]

SURETY BONDS.

AN ACT relating to recoveries on surety bonds; and adding a new section to chapter 19.72 RCW.

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

SECTION 1. There is added to chapter 19.72 RCW New section.
a new section to read as follows:

In the event of the breach of the condition of any bond described in RCW 19.72.109, successive recoveries may be made thereon by any of the obligees thereof: *Provided, however,* That the total amount of all such recoveries, whether by one or more of such obligees, shall not exceed, in the aggregate, the penal sum specified in such bond. Successive recoveries on bond authorized.

Passed the Senate February 24, 1959.

Passed the House March 5, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 114.

[S. B. 107.]

MINING CLAIMS.

AN ACT relating to mining claims; and adding a new section to chapter 78.08 RCW.

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

SECTION 1. There is added to chapter 78.08 RCW New section.
a new section to read as follows:

Any geological, geochemical, or geophysical survey which exposes a lode and which reasonably involves a direct expenditure on each lode or claim so discovered of not less than one hundred dollars shall be equivalent to the sinking of a discovery Survey exposing lode equivalent to sinking shaft.

shaft and shall hold such lode or claim for a period of three years: *Provided*, That if no discovery of a lode has been made within the three year period the right to hold such lode or claim shall cease: *Provided further*, That a written report of such survey shall be filed in duplicate with the county auditor at the time discovery notice is recorded as in this chapter required, and said written report shall set forth fully:

Written
report—
Contents.

(1) The location of the survey performed in relation to the point of discovery and boundaries of the claim.

(2) The nature, extent, and cost of the survey.

(3) The date the survey was commenced and the date completed.

(4) The basic findings therefrom.

(5) The name, address, and professional background of the person or persons performing or conducting the survey.

All county auditors receiving for filing duplicate copies of such survey reports shall forward, monthly, one copy of each report received to the division of mines and geology of the department of conservation. Nothing herein contained shall be construed to permit the locator, his heirs, or assigns, to relocate any portion of the same ground except by making a discovery as heretofore defined by law during or after the three year period.

Passed the Senate February 11, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 115.

[S. B. 116.]

STATE PATROL—PROMOTIONS.

AN ACT relating to the Washington state patrol; providing competitive examinations for promotion of patrol officers; establishing an eligible list for such promotions compiled after each examination based on the grades received therein; and amending section 2, chapter 192, Laws of 1949 and RCW 43.43.330.

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

SECTION 1. Section 2, chapter 192, Laws of 1949 and RCW 43.43.330 are each amended to read as follows:

RCW 43.43.330
amended.

Appropriate examinations shall be conducted for the promotion of commissioned patrol officers. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent.

Examinations
for promotion.

Passed the Senate February 3, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 116.

[S. B. 140.]

TRUSTS.

AN Act relating to devises and bequests to trusts.

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

Certain de-
vises to trusts
authorized.

SECTION 1. A devise or bequest may be made by a will to a trustee or trustees of a trust created by the testator and/or some other person or persons (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) established by written instrument executed before or concurrently with the execution of such will. Such devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will. Unless the will provides otherwise, the property so devised or bequeathed shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given to be administered and disposed of in accordance with the provisions of the instrument establishing such trust, including any amendments thereto, made prior to the death of the testator, regardless of whether made before or after the execution of the will. An entire revocation of the trust prior to the testator's death shall invalidate the devise or bequest.

Passed the Senate February 11, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 117.

[S. B. 163.]

TUBERCULOSIS FUNDS.

AN ACT relating to public health; amending section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 66, Laws of 1945, and RCW 70.32.010; section 1, chapter 4, Laws of 1953, first extraordinary session and RCW 70.32-.021; adding two new sections to chapter 70.32 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 66, Laws of 1945 and RCW 70.32.010 are each amended to read as follows:

RCW 70.32.010
amended.

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to six-tenths of a mill on the assessed valuation of the taxable property in the county, to be used for the control of tuberculosis, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis: *Provided*, That upon certification of the state director of health that any county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis within the county, the board of county commissioners may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county

Tax levy
directed.

health department for use in furtherance of other communicable disease prevention or control, or as provided in section 3 of this amendatory act. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of the county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program 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 commissioners and the state department of health a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Tuberculosis fund.

RCW 70.32.021 amended.

SEC. 2. Section 1, chapter 4, Laws of 1953 first extraordinary session and RCW 70.32.021 are each amended to read as follows:

State aid to county tuberculosis funds.

To provide for tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis the state shall provide moneys which shall be apportioned and expended under the direction of the state director of health to give state aid to counties in which the proceeds of the six-tenths mill tax levy required by RCW 70.32.010 are not sufficient for an adequate tuberculosis control program in the counties.

Payments from the state moneys appropriated for tuberculosis control in the counties 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 fund and disbursed in the same manner as county moneys are disbursed therefrom.

Basis of payments.

Payments to counties from state appropriations for tuberculosis control shall be made on the follow-

ing basis: Payments shall commence at such time as the county has expended all budgeted county moneys in the county tuberculosis fund, excepting a sum estimated to be required for two months' operation of the tuberculosis program within the county, which sum shall be used as a revolving fund and be expended for the tuberculosis control program within the county during the final two months of the state biennium: *Provided*, That where proceeds of the six-tenths mill tax levy are not sufficient for the estimated two months' operation of the county tuberculosis control program the state shall advance such funds as are estimated to be required from the state moneys appropriated for tuberculosis control to provide the moneys for the two months' revolving fund at the beginning of each biennium.

SEC. 3. There is added to chapter 70.32 RCW a new section to read as follows: New section.

In any county where the state director of health has certified that the proceeds of the six-tenths mill tax levy is more than adequate to provide for tuberculosis control, including hospitalization, case finding, prevention, and follow-up of known cases of tuberculosis in the county, the board of county commissioners, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the six-tenths mill tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law. Surplus from tax levy may be reappropriated.

SEC. 4. There is added to chapter 70.32 RCW a new section to read as follows: New section.

Any surplus funds in the county tuberculosis hospitalization fund, accumulated pursuant to RCW Prior surplus funds may be reappropriated.

70.32.010, prior to the effective date of this amendatory act, may be transferred by the board of county commissioners to be used for any county purposes authorized by law.

Emergency.

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 23, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 118.

[S. B. 198.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; and amending section 30.08.020, chapter 33, Laws of 1955, as last amended by section 1, chapter 248, Laws of 1957, and RCW 30.08.020.

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

RCW 30.08.020
amended.

SECTION 1. Section 30.08.020, chapter 33, Laws of 1955, as last amended by section 1, chapter 248, Laws of 1957, and RCW 30.08.020 are each amended to read as follows:

Articles of
incorporation
—Execution—
Contents.

Persons desiring to incorporate a bank or trust company shall execute articles of incorporation in quadruplicate, which shall be submitted for examination to the supervisor at his office in Olympia.

Articles of incorporation shall state:

(1) The name of such bank or trust company.
(2) The city, village or locality and county where such corporation is to be located.

(3) The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.

(4) The amount of its capital stock, which shall be divided into shares of not less than ten dollars each, nor more than one hundred dollars each, as may be provided in the articles of incorporation.

(5) The period for which such corporation is organized, which may be for a stated number of years or perpetual.

(6) The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.

(7) That for a stated number of years, which shall be not less than ten nor more than twenty years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be affirmatively voted for any proposal which would have the effect of sale, conversion, merger, or consolidation to or with, any other banking entity or affiliated financial interest, whether through transfer of stock ownership, sale of assets, or otherwise, (b) the corporation shall take no action to consummate any sale, conversion, merger, or consolidation in violation of this subdivision, (c) this provision of the articles shall not be revoked, altered, or amended by the shareholders without the prior written approval of the supervisor, and (d) all stock issued by the corporation shall be subject to this subdivision and a copy hereof shall be placed upon all certificates of stock issued by the corporation.

Such articles shall be acknowledged before an officer authorized to take acknowledgements.

Articles acknowledged.

Passed the Senate February 26, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 119.

[S. B. 217.]

MINING CLAIMS.

AN ACT relating to geological, geophysical, and geochemical survey reports on mining claims, and the furnishing of reports to the state.

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

Definitions.

SECTION 1. Words or terms used herein have the following meanings:

"Geological surveys."

(1) "Geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits.

"Geochemical surveys."

(2) "Geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits.

"Geophysical surveys."

(3) "Geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations.

Reports of surveys on mining claims—
Contents.

SEC. 2. All reports of geological, geophysical, or geochemical surveys on mining claims which may be filed with the auditor of any county in this state pursuant to United States Public Law 85-876 or amendments or revisions thereto shall be so filed in duplicate, and shall set forth fully:

(1) The location of the survey performed in relation to the point of discovery and boundaries of the claim.

(2) The nature, extent, and cost of the survey.

(3) The date the survey was commenced and the date completed.

(4) The basic findings therefrom.

(5) The name, address, and professional background of the person or persons performing or conducting the survey.

SEC. 3. All county auditors receiving for filing duplicate copies of geological, geochemical, and geophysical survey reports on mining claims shall forward, monthly, one copy of each report received to the division of mines and geology of the department of conservation.

Department
to receive
copy.

Passed the Senate February 21, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 120.

[S. B. 298.]

VETERANS' HOME—SOLDIERS' HOME.

AN ACT relating to the burial of members of the Washington veterans' home and the Washington soldiers' home and colony; providing for the burial of husbands and wives of members of the colony of the Washington soldiers' home; and amending section 72.36.110, chapter 28, Laws of 1959 and RCW 72.36.110.

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

SECTION 1. Section 72.36.110, chapter 28, Laws of 1959 and RCW 72.36.110 are each amended to read as follows:

RCW 72.36.110
amended.

The superintendent of the Washington veterans' home and the superintendent of the Washington soldiers' home and colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington veterans' home and Washington soldiers' home: *Provided*, That this section shall not be construed to prevent any relative from assuming jurisdiction of such deceased persons: *Provided further*, That the super-

Burial of
deceased
members.

intendent of the Washington soldiers' home and colony is hereby authorized to provide for the burial of husbands and wives of members of the colony of the Washington soldiers' home.

Passed the Senate February 24, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 121.

[S. B. 405.]

MOTOR VEHICLES—SERVICE OF PROCESS.

AN ACT relating to service of process on nonresident motorists using the highways of this state; and amending section 129, chapter 189, Laws of 1937 as amended by section 1, chapter 75, Laws of 1957, and RCW 46.64.040.

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

RCW 46.64.040 amended.

SECTION 1. Section 129, chapter 189, Laws of 1937 as amended by section 1, chapter 75, Laws of 1957, and RCW 46.64.040 are each amended to read as follows:

Nonresident's use of highways as assent to being sued and served in state.

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and accept-

Secretary of state as attorney in fact.

ance shall be a signification of his agreement that any summons of process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of two dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail, requiring personal delivery, by plaintiff to the defendant and the defendant's return receipt, or an endorsement by the proper postal authority showing that delivery of said letter was refused, and the plaintiff's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: *Provided further*, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of two dollars paid by the

plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

Passed the Senate February 21, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 122.

[S. B. 415.]

SCHOOL DISTRICTS—HANDICAPPED CHILDREN.

AN ACT relating to school districts; providing that school districts may severally or jointly contribute funds for acquiring sites and constructing, equipping and furnishing buildings for special educational aid to handicapped children and amending section 4, chapter 120, Laws of 1943 as last amended by section 1, chapter 135, Laws of 1953, and RCW 28.13.030.

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

RCW 28.13.030
amended.

SECTION 1. Section 4, chapter 120, Laws of 1943 as last amended by section 1, chapter 135, Laws of 1953, and RCW 28.13.030 are each amended to read as follows:

Authority of
district.

School district officers and teachers shall cooperate with the superintendent of public instruction and with the supervisor, and shall give such aid and special attention to handicapped children as their facilities will permit.

School districts may severally or jointly purchase and own special aid equipment and materials, with the approval of the supervisor, and may pay for the same out of their general fund budgets. School districts may severally or jointly employ special teachers for special aid, with the approval of the supervisor, and may pay their salaries and

compensation out of their general fund budgets. School districts may severally or jointly establish and operate residential schools for aid and special attention to handicapped children, with the approval of the supervisor, and may pay for the operation of such residential schools out of their general fund budgets. School districts may make agreements with other school districts for aid and special attention to handicapped children of their districts in the schools and special services of such other districts, with the approval of the supervisor, and may pay for the same out of their general fund budgets, and such payments may include the cost of board and room for such handicapped children while housed in such other districts. Such expenditures may be partially or wholly reimbursed from funds appropriated for that purpose under rules and regulations established by the superintendent of public instruction.

School districts may, with the approval of the supervisor, severally or jointly contribute funds for purchasing sites and constructing, equipping and furnishing buildings in another school district for the purpose of giving special educational aid to handicapped children and may pay for the same out of their building fund budgets.

Passed the Senate March 1, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 123.

[S. B. 440.]

FOREST LANDS—FIRE PROTECTION.

AN ACT relating to fire patrol assessments; and amending section 2, chapter 105, Laws of 1917, as last amended by section 14, chapter 142, Laws of 1955, and RCW 76.04.360.

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

RCW 76.04.360 amended.

SECTION 1. Section 2, chapter 105, Laws of 1917, as last amended by section 14, chapter 142, Laws of 1955, and RCW 76.04.360 are each amended to read as follows:

Fire patrol districts—Assessments.

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the administrator of the department of natural resources, through the supervisor of natural resources, shall provide such protection therefor at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year on lands east of the summit of the Cascade mountains and for that purpose may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared

Property lien.

to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

Assessment
for admin-
istration.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

Supervisor's
bond.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Passed the Senate February 28, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 124.

[S. B. 106.]

WASHINGTON TRUST ACT.

AN ACT relating to trusts.

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

Act applies to
express trusts.

SECTION 1. This act shall apply to express trusts, except as hereinafter limited, which are executed by the trustor after the effective date hereof. This act shall not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment

trusts, voting trusts, trusts in the nature of mortgages or pledges, trusts created by the judgment or decree of a court not sitting in probate, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, trusts created in deposits in any banking institution pursuant to RCW 30.20.035 or RCW 32.12.030, or in accounts in savings and loan associations pursuant to RCW 33.20.070, unless any such trust which is created in writing incorporates this act in whole or in part.

SEC. 2. The trustor of a trust may by the provisions thereof relieve the trustee from any or all of the duties, restrictions and liabilities which would otherwise be imposed by this act, or may alter or deny any or all of the privileges and powers conferred by this act; or may add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by this act. If any specific provision of this act is in conflict with or inconsistent with the provisions of a trust, the provisions of the trust shall control whether or not specific reference is made therein to this act.

Trust provisions control over act.

SEC. 3. Any power vested in three or more trustees jointly may be exercised by a majority of such trustees; but no trustee who has not joined in exercising a power shall be liable to the beneficiaries or to others for the consequences of such exercise; nor shall a dissenting trustee be liable for the consequences of an act in which he joins at the direction of the majority of the trustees, if he expressed his dissent in writing to each of his co-trustees at or before the time of such joinder.

Action by co-trustees—Liability.

Where two or more trustees are appointed to execute a trust and one or more of them for any reason does not accept the appointment or having accepted ceases to be a trustee, the survivor or survivors shall execute the trust and shall succeed to

all the powers, duties and discretionary authority given to the trustees jointly.

Nothing in this section shall excuse a co-trustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

Discharge of trustee, procedure.

SEC. 4. Upon petition of the trustee of a trust, the superior court having jurisdiction may accept his resignation and discharge him from the trust upon such notice, if any, and upon such terms as such court may require.

Appointment of successor trustee, procedure.

SEC. 5. Any beneficiary of a trust, the trustor if alive, or the trustee may in writing petition the superior court having jurisdiction for the appointment of a successor trustee whenever the office of trustee becomes vacant or upon filing of a petition of resignation by a trustee. The court shall make an order fixing the time and place for hearing the petition and the notice thereof shall be signed by the clerk of said court. Petitioner shall cause a copy of the notice to be mailed to each beneficiary, the trustor if alive, and to the incumbent trustee, if any, whose names and addresses are known to him, not less than ten days before the date of the hearing. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing. Upon conclusion of the hearing the court shall appoint a successor trustee after giving due consideration to the individual or corporate character of trustor's original trustee, any nominations by those entitled to petition for the appointment or by the guardian ad litem, and all other relevant and material facts.

SEC. 6. A successor trustee of a trust shall succeed to all the powers, duties and discretionary authority of the original trustee.

Authority of
successor
trustee.

SEC. 7. A trustee, or the trustees jointly, of a trust shall, in addition to the authority otherwise given by law, have the power and the exercise of discretion in the application thereof, to acquire, invest, re-invest, exchange, sell, convey and manage the trust property in accordance with the standards provided by law, and in so doing may:

Powers and
duties of
trustees.

(1) Receive property from any source as additions to the trust or any fund thereof to be held and administered under the provisions thereof;

(2) Sell on credit; and grant, purchase or exercise options;

(3) Sell or exercise subscriptions to stock or other corporate securities and to exercise conversion rights; deposit stock or other corporate securities with any protective or other similar committee; and assent to corporate sales, leases and encumbrances;

(4) Vote trust securities in person or by proxy with power of substitutions; and enter into voting trusts;

(5) Register and hold any stocks, securities or other property in the name of a nominee or nominees without mention of the trust relationship, provided the trustee or trustees shall be liable for any loss occasioned by the acts of any such nominee.

(6) Grant leases of trust property, with or without options to purchase or renew, to begin within a reasonable period and for terms within or extending beyond the duration of the trust, for any purpose including exploration for and removal of oil, gas and other minerals; enter into community oil leases, pooling and unitization agreements; create restrictions, easements and other servitudes; alter, renovate, add to or demolish any building, subdivide, develop, improve, dedicate to public use, make or

obtain the vacation of public plats, adjust boundaries, partition real property and on exchange or partition to adjust differences in valuation by giving or receiving money or money's worth;

(7) Cause or participate in the formation, reorganization, merger, consolidation and dissolution of corporate or other business undertakings where trust property may be affected and retain any property received pursuant thereto; limit management participation in any partnership and to act as a limited partner; charge profits and losses of any business or farm operation to the trust estate as a whole and not to the trustee; and make available to or invest in any business or farm operation additional moneys from the trust estate or other sources;

(8) Compromise or submit claims to arbitration; advance funds and borrow money, secured or unsecured, from any source, including a corporate trustee's banking department; and mortgage, pledge the assets or credit of the trust estate or otherwise encumber trust property, including future income;

(9) Determine the hazards to be insured against and maintain insurance therefor;

(10) Select any part of the trust estate in satisfaction of any partition or distribution, in kind, in money or both; pay any income or principal distributable to or for the use of any beneficiary, whether or not such beneficiary is under legal disability, to him or for his use to his parent, guardian, person with whom he resides or third persons.

Trustee
responsibility
presumed.

SEC. 8. In the absence of knowledge of a breach of trust, no party dealing with a trustee shall be required to see to the application of any moneys or other properties delivered to the trustee.

Trustee
responsibility
limited.

SEC. 9. When the happening of any event, including but not limited to such events as marriage, divorce, performance of educational requirements or death, affects the administration or distribution

of the trust then a trustee who has exercised reasonable care to ascertain the happening of such event shall not be liable for any action or inaction based on lack of knowledge of such event. A corporate trustee shall not be liable prior to receiving such knowledge or notice in its trust department office where the trust is being administered.

SEC. 10. Actions on contracts which have been transferred to a trust and on contracts made by a trustee, and actions in tort for personal liability incurred by a trustee in the course of his administration may be maintained by the party in whose favor the cause of action has accrued as follows:

(1) The plaintiff may sue the trustee in his representative capacity and any judgment rendered in favor of the plaintiff shall be collectible by execution out of the trust property: *Provided, however,* If the action is in tort, collection shall not be had from the trust property unless the court shall determine in such action that (a) the tort was a common incident of the kind of business activity in which the trustee or his predecessor was properly engaged for the trust; or (b) that, although the tort was not a common incident of such activity, neither the trustee nor his predecessor, nor any officer or employee of the trustee or his predecessor, was guilty of personal fault in incurring the liability; or (c) that, although the tort did not fall within classes (a) or (b) above, it increased the value of the trust property. If the tort is within classes (a) or (b) above, collection may be had of the full amount of damage proved, and if the tort is within class (c) above, collection may be had only to the extent of the increase in the value of the trust property.

(2) If the action is on a contract made by the trustee, the trustee may be held personally liable on such contract, if personal liability is not excluded.

Procedure
in actions
against trustee—Personal
liability.

Collection
when action
in tort.

Collection
when action
on contract.

Either the addition by the trustee of the words "trustee" or "as trustee" after the signature of a trustee to a contract or the transaction of business as trustee under an assumed name in compliance with RCW 19.80.010 to 19.80.050 inclusive shall exclude the trustee from personal liability. If the action is on a contract transferred to the trust or trustee, subject to any rights therein vested at time of such transfer, the trustee shall be personally liable only if he has in writing assumed such liability.

(3) In any such action against the trustee in his representative capacity the plaintiff need not prove that the trustee could have secured reimbursement from the trust fund if he had paid the plaintiff's claim.

Personal liability of trustee for tort.

(4) The trustee may also be held personally liable for any tort committed by him, or by his agents or employees in the course of their employments, subject to the rights of exoneration or reimbursement:

Exoneration, when.

(a) A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if (i) the tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust, or (ii) although the tort was not a common incident of such activity, if neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability;

Reimbursement, when.

(b) A trustee who commits a tort which increases the value of the trust property shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though he would not otherwise be entitled to exoneration or reimbursement.

(5) No judgment shall be rendered in favor of

the plaintiff in any such action unless the plaintiff shall cause a copy of the notice of the hearing on such action to be mailed not less than twenty days before the date therefor to the trustor, if living, the trustee and to each beneficiary whose name and address is known to him. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee. Saving existing law.

SEC. 11. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

SEC. 12. This act shall be known as the "Washington Trust Act". Short title.

Passed the Senate February 17, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 125.

[S. B. 108.]

EVIDENCE—REPRODUCED RECORDS.

AN ACT relating to the admission of photographic copies of business and public records as evidence and amending section 1, chapter 273, Laws of 1953 and RCW 5.46.010.

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

RCW 5.46.010 amended.

SECTION 1. Section 1, chapter 273, Laws of 1953 and RCW 5.46.010 are each amended to read as follows:

Photographic copies of business and public records as evidence.

If any business, institution, member of a profession or calling or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless the same is an asset or is representative of title to an asset held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlarge-

ment or facsimile, does not preclude admission of the original.

Passed the Senate February 10, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 126.

[S. B. 335.]

RESIDENTIAL SCHOOLS—PARENTAL SUCCESSORS.

AN ACT relating to the state residential schools; providing parental successors for residents thereof; and adding ten new sections to chapter 72.33 RCW.

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

SECTION 1. There is added to chapter 72.33 RCW a new section to read as follows: New section.

The natural or adoptive parents, or the survivor of them, of a person who is, or may become, a resident of a state school may appoint at any time a parental successor for such person. The appointment shall be effective upon the death of the surviving parent and shall be for the period the person actually resides at or is on placement from a state school. Parental successor authorized—Duration.

SEC. 2. There is added to chapter 72.33 RCW a new section to read as follows: New section.

A parental successor may be an individual, whether related or not to the person who is or may become a resident of a state school; a bank with a trust department, acting through its trust department; or a church, acting through the incumbent of a position to be indicated in the instrument designating or the order appointing the parental successor. Qualified successors.

A minor may be named or appointed as a parental successor, but he may actually serve only after reaching the age of majority.

New section.

SEC. 3. There is added to chapter 72.33 RCW a new section to read as follows:

Procedure to designate.

A parental successor may be designated by an acknowledged document in a form to be prescribed by the department, by the last will and testament of the person or persons having the right to make the nomination, or by formal appointment by the superior court in the county in which the petitioner, or at least one of several petitioners, reside.

Court appointment shall be by petition heard ex parte as a probate matter without notice, unless required by the court. Any designation or appointment of a parental successor may also designate or appoint one or more eligible persons or organizations to serve as successors to the first named parental successor in the event of the unwillingness, inability, incapacity, or resignation of the first parental successor.

New section.

SEC. 4. There is added to chapter 72.33 RCW a new section to read as follows:

Notice of appointment required.

In the event the appointment is by court order or will, a copy of the court order, or of the will together with a copy of the order admitting the will to probate, certified by the clerk of the appropriate court, shall be furnished by an interested party to the superintendent of the state school wherein the person concerned resides or may reside. No appointment of a parental successor shall be binding on a superintendent until a properly executed copy of an authorized document or a certified copy of the will, together with a certified copy of the order admitting the will to probate, or a certified copy of the court appointment has been served upon the superintendent.

New section.

SEC. 5. There is added to chapter 72.33 RCW a new section to read as follows:

Written consents.

The written consent of the person or organization intended to serve as the parental successor and of

each named successor thereto, if any, shall accompany the petition for court appointment. The consent or consents shall be forwarded to the superintendent or his representative with the executed copy of an authorized document, or with the certified copy of the will and of the order admitting the will to probate, if appointment is by document or will, but the consent or consents need not be forwarded in the event of a court appointment.

SEC. 6. There is added to chapter 72.33 RCW a new section to read as follows: New section.

The parental successor, during the period he is actually serving, shall have the right to exercise an active and continuing interest in, and to be informed concerning the health, education, recreation, and general welfare of the person for whom he is named parental successor. He shall be permitted to take the person from the state school on visits, trips, or vacations the same as a parent. Rights and duties.

The superintendent shall inform, advise, and consult with the parental successor, when actually serving, regarding the person for whom the parental successor was named, as though he were the natural parent of the person, on all matters pertaining to his health, education, recreation, general welfare, and including but not limited to matters of surgery, placement and discharge.

A parental successor shall have the rights and privileges conferred by this section although the person for whom he is named parental successor is on placement from a state school and not physically resident therein.

SEC. 7. There is added to chapter 72.33 RCW a new section to read as follows: New section.

During the time that a person is acting as a parental successor, he shall keep the superintendent informed of his whereabouts so that he can be contacted in case of emergency. Availability in case of emergency required.

Any bank or church appointed to act as a parental successor shall keep the superintendent informed of the name and address of the individual who should be contacted in case of emergency.

During the period a parental successor is acting, if, after reasonable effort on the part of the superintendent, the parental successor cannot be reached, the superintendent shall be free to make decisions in all matters for the best interest of the person for whom the parental successor was named.

New section.

SEC. 8. There is added to chapter 72.33 RCW a new section to read as follows:

Revocation authorized.

Any designation or appointment of a parental successor is subject to revocation at any time, in the first instance by the person who made the designation and in the case of appointment by will or formal appointment, by the court in which the will was probated or the formal appointment was made. A person or organization named as parental successor may renounce or resign at any time.

No revocation, renunciation, resignation, death or state of incapacity will be binding on a superintendent until he has been notified in writing thereof.

New section.

SEC. 9. There is added to chapter 72.33 RCW a new section to read as follows:

Responsibility limited.

A parental successor shall have no financial responsibility to the state of Washington for the person for whom he is named, and he shall have no obligatory duties or responsibilities except as specifically set forth in this act.

New section.

SEC. 10. There is added to chapter 72.33 RCW a new section to read as follows:

Application of act.

It is specifically intended that the provisions of this act shall be available for the benefit of persons who are now resident at or on placement from a state school.

This act shall not repeal, amend or modify any law relating to intestate succession or relating to guardians of the person or of the estate of an individual. In the event of the appointment of the guardian of the person, the rights of the guardian will supersede and abrogate the rights of the parental successor of the person for whom a guardian of the person has been appointed, for so long as the appointment of the guardian of the person is effective.

Savings clause.

Passed the Senate February 21, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 127.

[S. B. 362.]

STATE PERSONNEL BOARD.

AN ACT relating to the state personnel board; and amending section 42, chapter 35, Laws of 1945, as amended by section 10, chapter 215, Laws of 1947, and RCW 50.12.030.

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

SECTION 1. Section 42, chapter 35, Laws of 1945, as amended by section 10, chapter 215, Laws of 1947, and RCW 50.12.030 are each amended to read as follows:

RCW 50.12.030 amended.

For the purpose of insuring the impartial selection of personnel on the basis of merit, the governor shall appoint a personnel board of five 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: *Provided*, That the first term of one of the members added by

Personnel board—Commissioner's regulations.

this 1959 amendment shall expire on June 12, 1965 and the first term of the other shall expire on June 12, 1963: *Provided further*, That this 1959 amendment shall not affect the present terms of present members. All personnel of the employment security department, and such other departments or offices of the state as the governor may designate, or as provided by law, shall be selected from the registers established by the personnel board. The commissioner is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the social security board pursuant to the social security act, as amended, and the act of congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the state in promotion of such system, and for other purposes," as approved June 6, 1933, as amended, and to provide for the maintenance of the merit system required under this section in conjunction with any merit system applicable to any other state agency, or agencies, which meets the personnel standards promulgated by the social security board and the personnel board in making up registers for the employment security department shall be governed by such regulations.

Merit system.

Traveling
expenses—
Per diem.

SEC. 2. Members of the board shall be allowed traveling expenses of not to exceed ten cents per mile and twenty-five dollars per diem for expenses while traveling to and from and attending regularly called meetings.

Passed the Senate March 3, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 128.

[S. B. 433.]

EASTERN WASHINGTON COLLEGE OF EDUCATION—
EXCHANGE OF LANDS.

AN ACT authorizing the exchange and reservation of certain public lands for school purposes; and providing compensation.

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

SECTION 1. For the purpose of securing lands for the expansion of the campus of the Eastern Washington College of Education, the commissioner of public lands with the approval of the board of natural resources shall exchange for lands of equal value adjacent to the campus and to be selected by the board of trustees of the Eastern Washington College of Education, the following described common school lands: The southeast quarter of section 16, township 23 north, range 41 east, W.M., in Spokane county. The commissioner of public lands shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to effectuate such exchange.

Exchange of
lands author-
ized.

Description.

SEC. 2. The commissioner of public lands is hereby authorized to withdraw from sale or lease, and reserve for school purposes public lands selected by the board of trustees of Eastern Washington College of Education, for such time as he shall determine will be for the best interests of the state and the common school fund for which said public lands are being held in trust: *Provided*, That the commissioner of public lands may lease for periods not to exceed five years any part of such lands as are not at the time of such lease needed by Eastern Washington College of Education.

Reserve of
public lands
authorized.

Leasing
authorized.

Rental—
Disposition.

SEC. 3. The commissioner of public lands and the board of natural resources shall fix a yearly reasonable rental for the use of public lands reserved for such purposes, which shall be paid to the land commissioner for the common school fund for which the lands had been held in trust, and which rent shall be transmitted to the state treasurer for deposit in such fund.

Passed the Senate February 20, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 129.

[S. B. 435.]

PROPERTY TAXATION—EASEMENTS.

AN ACT relating to general property taxes; and amending chapter 84.64 RCW.

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

New section.

SECTION 1. There is added to chapter 84.64 RCW a new section to read as follows:

Easements
included in
property tax
assessments.

The general property tax assessed on any tract, lot, or parcel of real property includes all easements appurtenant thereto, provided said easements are a matter of public record in the auditor's office of the county in which said real property is situated. Any foreclosure of delinquent taxes on any tract, lot or parcel of real property subject to such easement or easements, and any tax deed issued pursuant thereto shall be subject to such easement or easements, provided such easement or easements were established of record prior to the year for which the tax was foreclosed.

Passed the Senate March 3, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 130.

[S. B. 417.]

COUNTIES—COORDINATION OF ADMINISTRATIVE PROCEDURES.

AN ACT relating to counties; providing for the improvement and coordination of county administrative procedures.

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

SECTION 1. The necessity and the desirability of coordinating the administrative programs of all of the counties in this state is recognized by this act.

Legislative declaration.

SEC. 2. It shall be the duty of the assessor, auditor, clerk, coroner, sheriff, superintendent of schools, treasurer, prosecuting attorney of each county in the state to take such action as they jointly deem necessary to effect the coordination of the administrative programs of each county and to submit to the governor and the legislature biennially a joint report or joint reports containing recommendations for procedural changes which would increase the efficiency of the respective departments headed by such elected county officials.

Duty of county officers enunciated.

SEC. 3. The elected county officials enumerated in section 2 of this act are empowered to designate the Washington state association of elected county officials as a coordinating agency through which the duties imposed by section 2 of this act may be performed, harmonized, or correlated.

Permissible coordinating agency.

SEC. 4. Each county which designates the Washington state association of elected county officials as the agency through which the duties imposed by section 2 of this act may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: *Provided*, That no reimbursement shall be made to the association for any expenses incurred

Reimbursement if state association is coordinating agency.

under section 5 of this act for travel, meals, or lodging of such elected county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the revenues produced by a levy of one-hundredth of a mill against the assessed valuation of taxable property in such county.

Further
action au-
thorized.

SEC. 5. The elected county officials enumerated in section 2 of this act are authorized to take such further action as they deem necessary to comply with the intent of this act, including attendance at state and district meetings which may be required to formulate the reports provided for in section 2 of this act.

Records of
association
audited.

SEC. 6. The financial records of the Washington state associations of elected county officials shall be subject to audit by the Washington state division of municipal corporations.

Passed the Senate March 7, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 131.

[H. B. 58.]

CIVIL PROCEDURE.

AN ACT relating to civil procedure; amending section 11, chapter 127, Laws of 1893, as amended by section 3, chapter 86, Laws of 1895, and RCW 4.28.180; and adding a new section to chapter 127, Laws of 1893 and to chapter 4.28 RCW.

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

SECTION 1. Section 11, chapter 127, Laws of 1893, as amended by section 3, chapter 86, Laws of 1895, and RCW 4.28.180 are each amended to read as follows:

RCW 4.28.180 amended.

Personal service of summons or other process may be made upon any party outside the state. If upon a citizen or resident of this state or upon a person who has submitted to the jurisdiction of the courts of this state, it shall have the force and effect of personal service within this state; otherwise it shall have the force and effect of service by publication. The summons upon the party out of the state shall contain the same and be served in like manner as personal summons within the state, except it shall require the party to appear and answer within sixty days after such personal service out of the state.

Personal service out of state.

SEC. 2. There is added to chapter 127, Laws of 1893 and to chapter 4.28 RCW a new section to read as follows:

New section.

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

Jurisdiction acquired from enumerated acts—Service of process.

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any property whether real or personal situated in this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting.

Service of process.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the defendant outside this state, as provided in section 1, with the same force and effect as through personally served within this state.

Causes of action.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

Affidavit filed.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

Attorneys' fees.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

Savings clause.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Passed the House March 6, 1959.

Passed the Senate March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 132.

[H. B. 498.]

AGRICULTURAL COOPERATIVE ASSOCIATIONS.

AN ACT relating to agricultural cooperative associations; amending section 5, chapter 115, Laws of 1921, as amended by section 1, chapter 16, Laws of 1931 and RCW 24.32.050; amending section 7, chapter 115, Laws of 1921, as amended by section 2, chapter 16, Laws of 1931 and RCW 24.32.070; amending section 8, chapter 115, Laws of 1921, as amended by section 3, chapter 16, Laws of 1931 and RCW 24.32.080; amending section 15, chapter 115, Laws of 1921, as last amended by section 7, chapter 16, Laws of 1931 and RCW 24.32.210; amending section 21, chapter 115, Laws of 1921, as amended by section 8, chapter 16, Laws of 1931 and RCW 24.32.290; and amending section 23, chapter 115, Laws of 1921 and RCW 24.32.310.

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

SECTION 1. Section 5, chapter 115, Laws of 1921, as amended by section 1, chapter 16, Laws of 1931 and RCW 24.32.050 are each amended to read as follows:

RCW 24.32.050 amended.

Each association incorporated under this chapter shall have the following powers:

Powers of association.

(1) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section; or transact such business with or for nonmembers of the association to an amount in any one fiscal year, not to exceed the amount transacted with members in such year.

**Powers of
association.**

(2) To borrow money and to make advances to members.

(3) To act as the agent or representative of any member or members in any of the above mentioned activities.

(4) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stocks or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association or corporate obligations eligible for the investment of trust funds by trust companies as provided by law.

(5) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the bylaws.

(6) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(7) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the associations; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this chapter; and to do any such thing anywhere.

(8) To continue as a corporation for the time

limited in its articles of incorporation or if no such time limit is specified, then perpetually.

SEC. 2. Section 7, chapter 115, Laws of 1921, as amended by section 2, chapter 16, Laws of 1931 and RCW 24.32.070 are each amended as follows:

RCW 24.32.070
amended.

Each association formed under this chapter must prepare and file articles of incorporation, setting forth:

Articles of
incorporation.

- (1) The name of the association.
- (2) The purpose for which it is formed.
- (3) The place where its principal business will be transacted.
- (4) The term for which it is to exist, which may be perpetual.
- (5) The number of directors thereof, which must not be less than five and may be any number in excess thereof, and the term of office of such directors, which term shall not exceed three years as may be provided by the bylaws of the association.
- (6) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the written consent or the vote of two-thirds of the members voting upon such change after notice of the proposed change shall have been given to all members entitled to vote thereon, in the manner provided by the bylaws: *Provided*, That if the total vote upon the proposed change shall be less

than twenty-five percent of the total membership of the association, such change shall fail of adoption.

(7) If organized with capital stock, the amount of such stock and the number of shares into which it is divided. The capital stock may be divided into preferred and common stock which stock may be of a fixed par value or nonpar value. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the nature and extent of the preference and privileges granted to each.

(8) The articles must be subscribed by the incorporators and acknowledged by three or more of such incorporators before an officer authorized by the law of this state to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this state; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this state and other places, as prima facie evidence of the facts contained therein and of the due incorporation of such association.

RCW 24.32.080
amended.

SEC. 3. Section 8, chapter 115, Laws of 1921, as amended by section 3, chapter 16, Laws of 1931 and RCW 24.32.080 are each amended to read as follows:

Amendment
of articles.

The articles of incorporation may be altered or amended in any respect so as to include any provision authorized by this chapter or so as to extend the period of its duration for a further definite time or perpetually at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by a majority of the directors and then adopted by a vote of two-thirds of the members voting upon such amendment after notice of the proposed amendment shall have been given to all members entitled to vote thereon, in the manner

provided by the bylaws: *Provided*, That if the total vote upon the proposed amendment shall be less than twenty-five percent of the total membership of the association, such amendment shall fail of adoption. Amendments to the articles of incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this state.

SEC. 4. Section 15, chapter 115, Laws of 1921, as last amended by section 7, chapter 16, Laws of 1931 and RCW 24.32.210 are each amended to read as follows:

RCW 24.32.210
amended.

The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. Any party to such a contract shall have the right to terminate it at the end of the tenth or any subsequent year after its effective date by giving the other parties to the contract notice of termination in the manner and at the time specified by the contract, but if such contract does not provide for such notice then by giving the other parties not less than sixty days advance notice of such termination. The contract may provide that the association may sell or resell the products of its members, with or without taking title thereto; and pay over on a proportional basis or otherwise to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight percent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight percent per annum on common stock: *Provided*, That the form of such contract shall be approved by the director of agriculture, who may require that

Marketing
contracts.

such contract set the maximum amount of any such reserves to be deducted from the sale price of the products of the members of such association: *Provided, further*, That in contracts involving the marketing of an annual crop, the director of agriculture may require that said contract shall contain a date upon which settlement will be made between the association and each of its members for the crop or product marketed by said association. The bylaws and the marketing contract may fix as liquidated damages specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is legally maintained under the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state. In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and after notice and hearing, to a temporary injunction against the member.

Enforcement provisions.

Injunctive relief.

RCW 24.32.290 amended.

Associations organized under previous statutes.

SEC. 5. Section 21, chapter 115, Laws of 1921, as amended by section 8, chapter 16, Laws of 1931, and RCW 24.32.290 are each amended to read as follows:

Any corporation or association organized under other statutes, may by a two-thirds majority vote of its stockholders or members voting upon the question after notice of the proposed question shall have been given to all members entitled to vote

thereon, in the manner provided by the bylaws of such corporation or association, be brought under the provisions of this chapter by limiting its membership and adopting the other restrictions as provided herein: *Provided*, That if the total vote upon the proposed question shall be less than twenty-five percent of the total membership of the association, such question shall fail of adoption. It shall make out in duplicate a statement signed and sworn to by a majority of its directors, to the effect that the corporation or association has, by a two-thirds majority vote of its stockholders or members voting on the question, decided to accept the benefits and be bound by the provisions of this chapter. Amendments to articles of incorporation shall be filed as required in RCW 24.32.040 and 24.32.070, except that they shall be signed by a majority of the members of the board of directors. The filing fee shall be the same as for filing an amendment to articles of incorporation: *Provided*, That any such corporation or association organized prior to the approval of this chapter shall be admitted to the benefits hereof, subject to all of the requirements of this chapter except that the marketing contract between such association and its members need not be approved by the director of agriculture.

SEC. 6. Section 23, chapter 115, Laws of 1921 and RCW 24.32.310 are each amended to read as follows:

The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter. However, (1) the voting provisions of RCW 24.32.080 shall apply with respect to the increase or decrease of shares, the sale, lease or exchange of all or substantially all assets and the

RCW 24.32.310 amended.

General incorporation laws applicable.

merger or consolidation of corporations organized under this chapter, (2) the value of shares of corporations organized under this chapter shall not be worth more and shall not be appraised at more than par, and (3) the voting provisions of RCW 24.32.290 shall apply to the merger or consolidation of any association or corporation organized under other statutes into a resultant corporation organized under this chapter.

Passed the House March 6, 1959.

Passed the Senate March 5, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 133.

[H. B. 111.]

PUBLIC LIBRARIES.

AN ACT relating to public libraries; amending section 5, chapter 75, Laws of 1947 and RCW 27.12.130; and amending section 8, chapter 119, Laws of 1935 as last amended by section 12, chapter 75, Laws of 1947 and RCW 27.12.190.

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

RCW 27.12.130
amended.

SECTION 1. Section 5, chapter 75, Laws of 1947 and RCW 27.12.130 are each amended to read as follows:

Board of
trustees.

Immediately following the establishment of an intercounty rural library district the boards of county commissioners of the counties affected shall jointly appoint a board of five or seven trustees for the district in accordance with RCW 27.12.190. The board of trustees shall appoint a librarian for the district.

RCW 27.12.190
amended.

SEC. 2. Section 8, chapter 119, Laws of 1935 as last amended by section 12, chapter 75, Laws of 1947 and RCW 27.12.190 are each amended to read as follows:

The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In cities and towns five trustees shall be appointed by the mayor with the consent of the legislative body. In counties and rural county library districts five trustees shall be appointed by the board of county commissioners. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the boards of county commissioners of each of the counties included in a district. In school districts they shall be elected by the voters in the manner in which school directors are elected. The first appointments or elections for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed or elected to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen: *Provided*, That where the library is a school district public library, the remaining members of the board of trustees shall fill such vacancies by appointment, for terms to expire at the next regular election of library trustees. A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds. A

Library trustees.
Appointment,
election,
removal,
compensation.

library trustee in the case of a city or town may be removed only by vote of the legislative body. A library trustee of a school district public library may be removed only by a majority vote of the other trustees. A trustee of a county library or a rural county library district library may be removed by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing. A trustee of an intercounty rural library district may be removed by the joint action of the board of county commissioners of the counties involved in the same manner as provided herein for the removal of a trustee of a county library.

Passed the House February 11, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 134.

[H. B. 60.]

COUNTY ROAD IMPROVEMENT DISTRICTS.

AN ACT relating to county road improvement districts; amending section 1, chapter 192, Laws of 1951 and RCW 36.88.010 and amending section 22, chapter 192, Laws of 1951 and RCW 36.88.220.

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

RCW 36.88.010 amended.

SECTION 1. Section 1, chapter 192, Laws of 1951 and RCW 36.88.010 are each amended to read as follows:

Road improvement districts authorized—Purposes—Limitations.

Class AA, A and counties of the first class shall have the power to create county road improvement districts for the improvement of existing county roads and for the construction or improvement of

necessary drainage facilities therefor, bridges, culverts, sidewalks, curbs and gutters, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction or improvement: *Provided*, That no road improvement district shall be created under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the portion of road to be improved shall be at least six.

SEC. 2. Section 22, chapter 192, Laws of 1951 and RCW 36.88.220 are each amended to read as follows:

RCW 36.88.220 amended.

Class AA, A and counties of the first class may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated "..... county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in obligations of the government of the United States or of this state.

Improvement bonds—Guaranty fund.

Passed the House February 9, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 135.

[H. B. 95.]

MOTOR VEHICLES—TRAFFIC CONTROL.

AN ACT relating to the regulation of vehicular traffic; providing for traffic control signals or signs; and amending section 98, chapter 189, Laws of 1937 as last amended by section 3, chapter 56, Laws of 1951 and RCW 46.60.230; and declaring an emergency.

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

RCW 46.60.230 amended.

SECTION 1. Section 98, chapter 189, Laws of 1937, as last amended by section 3, chapter 56, Laws of 1951 and RCW 46.60.230 are each amended to read as follows:

Traffic control signals—Colors—Indications.

Whenever, at any point, traffic is controlled by traffic control signals or signs exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights successively, one at a time, or with arrows, said lights, arrows and terms shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green or the word "Go": Vehicular traffic facing the signal except when prohibited by a superior regulation, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal or signs.

Yellow alone or the word "Caution" when shown following the Green or "Go" signal: Vehicular traffic facing the signal shall stop before entering

the nearest crosswalk at the intersection or at such other point as may be designated by the proper traffic authority. However, if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. No pedestrain facing such a signal shall enter the roadway.

Red alone or the word "Stop": Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be designated by the proper traffic authority. Vehicular traffic facing such a signal shall remain standing until Green or "Go" is shown alone: *Provided*, That such traffic may, after stopping, cautiously proceed to make a right turn from a one-way or two-way street into a street carrying two-way traffic or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. Pedestrians facing such a signal shall not enter the roadway.

Red or the word "Stop" with green arrow: Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians lawfully within a crosswalk and to the other traffic lawfully using the intersection. No pedestrian facing such a signal shall enter the roadway.

Green Arrow alone: Vehicular traffic facing such a signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield right of way to other traffic or pedestrians

lawfully within a crosswalk. Pedestrians facing such a signal may proceed across the roadway controlled by such signal unless prohibited by other signs or signals.

Flashing red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

Flashing yellow: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the director of highways.

All new traffic control signals and all replacements of existing traffic control signals directing traffic to alternately stop and go shall have three signal faces facing each street, road, or highway leading into the intersection with the red "Stop" signal located at the top of such signal, the amber "Caution" signal located at the center of such signal and the green "Go" signal located at the bottom of such signal.

Emergency.

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 11, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 136.

[H. B. 100.]

MOTOR VEHICLES—GROSS WEIGHTS—PENALTIES.

AN ACT relating to motor vehicles; amending section 29, chapter 269, Laws of 1951, as amended by section 2, chapter 254, Laws of 1953 and RCW 46.44.045; and repealing section 32, chapter 269, Laws of 1951, as amended by section 11, chapter 254, Laws of 1953 and RCW 46.44.048.

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

SECTION 1. Section 29, chapter 269, Laws of 1951, as amended by section 2, chapter 254, Laws of 1953 and RCW 46.44.045 are each amended to read as follows:

RCW 46.44.045 amended.

(1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

Maximum gross weights, penalties for violations.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: *Provided*, That where the excess weight is less than five thousand pounds, the court, in its discretion, may suspend the additional fine for excess poundage upon first conviction, but in no case shall the basic fine be suspended.

Maximum
gross weights
—Penalties for
violations.

(3) The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the operator's driver's license for not less than thirty days. Whenever the operator's driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director of licenses with information concerning the suspension thereof.

(5) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2) of this amendatory act of 1959, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund. It shall then be allocated as provided in RCW 46.68.100.

SEC. 2. Section 32, chapter 269, Laws of 1951, ^{Repeal.} as amended by section 11, chapter 254, Laws of 1953 and RCW 46.44.048 are each repealed.

Passed the House February 6, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 137.

[S. B. 397.]

PARADISE POINT STATE PARK.

AN ACT relating to state parks and recreation.

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

SECTION 1. The area referred to in section 1, chapter 228, Laws of 1957, as "East Fork Lewis River Vicinity (new) (Clark)" is hereby named Paradise Point State Park. ^{Paradise Point State Park.}

Passed the Senate February 24, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 16, 1959.

CHAPTER 138.

[S. B. 97.]

CREDIT UNIONS.

AN ACT relating to credit unions; amending section 5, chapter 173, Laws of 1933, as amended by section 5, chapter 131, Laws of 1943, and RCW 31.12.090; amending section 14, chapter 173, Laws of 1933, as last amended by section 3, chapter 48, Laws of 1953, and RCW 31.12.180; amending section 15, chapter 173, Laws of 1933, as last amended by section 5, chapter 23, Laws of 1957, and RCW 31.12.190; amending section 16, chapter 173, Laws of 1933, as last amended by section 5, chapter 48, Laws of 1953, and RCW 31.12.200; amending section 20, chapter 173, Laws of 1933, as last amended by section 9, chapter 23, Laws of 1957, and RCW 31.12.260; amending sections 8, 12 and 13, chapter 23, Laws of 1957 and RCW 31.12.245, 31.12.280 and 31.12.290.

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

RCW 31.12.090
amended.

SECTION 1. Section 5, chapter 173, Laws of 1933, as amended by section 5, chapter 131, Laws of 1943, and RCW 31.12.090 are each amended to read as follows:

Savings—
Loans—Real
estate.

Subject to the provisions of RCW 31.12.080, a credit union may receive savings from its members in payment for shares or on deposit, or may lend to its members at reasonable rates, or invest, as hereinafter provided, the funds so accumulated. It may undertake such other activities relating to the purpose of its organization as its articles of incorporation may provide. A credit union may invest a reasonable amount of its funds in real property or leasehold interests therein for use principally in the transaction of its business when:

- (1) The aggregate of its guaranty fund and undivided profits accounts equals five percent of the aggregate of its share accounts;
- (2) its directors, by at least three-fourths affirmative vote, approve the making of such investment; and

(3) the total investment in such property does not exceed seven and one-half percent of the aggregate of its share accounts.

The foregoing restrictions of this section shall not affect existing investments of credit unions. No credit union may invest its funds in real property or leasehold interests therein for use principally in the transaction of its business without the prior written approval of the supervisor. However a credit union may acquire real property through collection of loans secured thereby.

SEC. 2. Section 14, chapter 173, Laws of 1933, as last amended by section 3, chapter 48, Laws of 1953, and RCW 31.12.180 are each amended to read as follows: RCW 31.12.180 amended.

The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified unless sooner removed as hereinafter provided: *Provided*, That the treasurer need not be a director. The board shall select a credit committee composed of three or more members of the credit union, who need not be board members. The offices of secretary and treasurer may be held by the same person. No director shall be a member of both the credit and auditing committee. Each officer and employee handling funds of the credit union shall give bond to the directors in such amount and with such surety and conditions as the supervisor may prescribe, which bond shall be filed with the supervisor. Officers—
Bonds.

SEC. 3. Section 15, chapter 173, Laws of 1933, as last amended by section 5, chapter 23, Laws of 1957, RCW 31.12.190 amended.

and RCW 31.12.190 are each amended to read as follows:

Powers and
duties of
directors.

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not exceed four percent per year, determine the types of security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. It shall make recommendations to the members relative to the need of amendments to the bylaws and other matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual or semiannual period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: *Provided*, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals.

The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, or audit committee, for cause, until the next membership meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting.

SEC. 4. Section 16, chapter 173, Laws of 1933, as last amended by section 5, chapter 48, Laws of 1953, and RCW 31.12.200 are each amended to read as follows:

RCW 31.12.200
amended.

An auditing committee of not less than three members shall be elected at the annual meeting of the credit union and shall hold office for a term of three years, unless sooner removed as herein provided, or until their successors commence the performance of their duties. The auditing committee shall be divided into classes so that an equal number as nearly as may be shall be elected each year. If a member of the auditing committee ceases to be a member of the credit union, his office shall thereupon become vacant.

Auditing
committee—
Elections—
Terms—
Powers and
duties.

The auditing committee shall keep fully informed at all times as to the financial condition of the credit union; examine carefully the cash and accounts monthly; certify the monthly statements submitted by the treasurer; make a thorough audit of the books, including income and expense, semiannually; report to the board its findings, together with its recommendations; under regulations prescribed by the supervisor, cause to be verified the passbooks of the credit union, according to such regulations; hold meetings at least once a month and keep records

thereof; and make an annual report at the annual meeting.

By a unanimous vote the auditing committee may suspend an officer of the corporation or a member of the credit committee or of the board until the next members' meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. By a majority vote of the auditing committee it may call a special meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union deemed by the committee to be unsafe or unauthorized. The auditing committee shall fill vacancies in its own membership until successors are elected. It shall also call a special meeting of the membership upon the request of the supervisor.

RCW 31.12.245
amended.

SEC. 5. Section 8, chapter 23, Laws of 1957 and RCW 31.12.245 are each amended to read as follows:

Loan officer—
Powers.

The board of any credit union organized under this chapter whose assets are in excess of two hundred thousand dollars may appoint such loan officers as it deems advisable for the purpose of approving certain types of loans without further authorization from the credit committee. Credit unions with assets of two hundred thousand dollars or less may appoint such loan officers: *Provided*, That the supervisor has given his prior approval thereto. Such loan officers may be authorized to approve individually only the following types of loans without the approval of the credit committee:

(1) Personal loans to an amount not exceeding five hundred dollars, on the unindorsed or unsecured note of the borrower, and personal loans not exceeding one thousand dollars which are adequately secured in the judgment of a loan officer;

(2) Personal loans in excess of five hundred dollars so long as that amount of the loan exceeding

five hundred dollars is secured by the borrower's pledged shares in the credit union;

(3) Personal loans refinancing loans previously made where the new loan balance will not exceed the loan balance originally authorized and the actual indebtedness is not increased by more than one thousand dollars.

SEC. 6. Section 20, chapter 173, Laws of 1933, as last amended by section 9, chapter 23, Laws of 1957, and RCW 31.12.260 are each amended to read as follows:

RCW 31.12.260
amended.

The capital, deposits, and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee or the loan officer where permitted herein, and also when required herein, of the board of directors, and any capital, deposits, or surplus funds in excess of the amount for which loans may be approved, may be deposited in banks or trust companies or in state or national banks located in this state, or invested in any bond or securities or other investments which are at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or in the shares of other credit unions or savings and loan associations organized or authorized to do business under the laws of this state or the United States. No credit union shall carry on a banking business or carry any demand, commercial, or checking accounts, nor issue any time or demand certificates of deposit. At least five percent of the total assets of a credit union shall be carried as cash on hand or as balances due from banks, trust companies, savings and loan associations, central credit unions or mutual savings banks organized or authorized to do business in this state or the United States, or invested in the bonds or notes of the United States, or of any state, or subdivision thereof, which are legal investments for savings and loan

Funds to be
loaned, excess
to be deposited
or invested.

associations. Whenever the aforesaid ratio falls below five percent, no further loans shall be made until the ratio has been reestablished. Investments other than personal loans shall be made only with the approval of the board.

RCW 31.12.280 amended.

Limits and conditions of personal loans.

SEC. 7. Section 12, chapter 23, Laws of 1957 and RCW 31.12.280 are each amended to read as follows:

Loans to any one member shall not exceed five thousand dollars without the permission of the supervisor and shall be limited as follows:

(1) To an amount not exceeding five hundred dollars on the unindorsed or unsecured note of the borrower;

(2) Loans to an individual or family community in excess of five hundred dollars must be adequately secured.

RCW 31.12.290 amended.

Loans secured by real estate mortgages or contracts.

SEC. 8. Section 13, chapter 23, Laws of 1957 and RCW 31.12.290 are each amended to read as follows:

The total amount which a credit union may lend on the security of mortgages on, or contracts relating to, real estate shall not exceed the following limits:

(a) Ten percent of its total assets if its assets are under one hundred thousand dollars.

(b) Twenty percent of its total assets if its assets are over one hundred thousand dollars but under one million dollars.

(c) Thirty percent of its total assets if its assets are in excess of one million dollars.

All loans secured by mortgages or contracts on real estate shall be subject to the following restrictions:

(1) Loans secured by first mortgages shall be only on real estate improved by a home, a combination home and business building, or a two unit residential building in which the owner-borrower is the occupant of one unit; loans may be made for the construction of any such improvements.

(2) Any loans made on a real estate contract must be through warranty deed and assignment of the seller's interest, and the principal amount of the purchase price must have been reduced by twenty-five percent; the monthly payments must not be delinquent at time of the loan and the real estate must be such as would qualify for a mortgage loan under paragraph (1) hereof.

(3) The total amount which may be loaned on any one property or to any one family community borrower shall not exceed two and one-half percent of the assets of the credit union, or seventy-five hundred dollars, whichever is greater, except with the prior approval of the supervisor. Such loan shall not exceed: (a) seventy-five percent of the appraised value of the real estate if there is located thereon a home only which is not over thirty months old and incidental out buildings, or if the loan is made for the construction or completion of such improvements, and (b) sixty percent of the appraised value of the real estate if there is located thereon other habitable buildings of a nature permitted under paragraph (1) hereof.

All taxes and assessments must be paid currently, and all such loans must be amortized by weekly, semimonthly or monthly payments, which payments, including interest, shall be at the rate of not less than ten percent per year of the original principal.

The real estate covered by any such mortgage or contract must be inspected and appraised by two appraisers each of whom has had two or more years experience in appraising real estate for loan purposes within the area in which the property is located. The credit union must have a policy of title insurance issued concurrently by an insurance company licensed to do business in the state of Washington, insuring the interest of the credit union in the

real estate in the full amount of the loan, or must have an abstract brought up to date of the loan and certified by a practicing attorney; also with fire insurance covering at least the interest of the credit union.

Passed the Senate March 5, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 139.

[S. B. 318.]

AGRICULTURAL PRODUCTS—COMMISSION
MERCHANTS, BROKERS, ETC.

AN ACT relating to agricultural products; and repealing chapter 14, Laws of 1955 as amended by section 4, chapter 262, Laws of 1955, section 3, chapter 262, Laws of 1955, sections 1 and 2, chapter 262, Laws of 1955 and RCW 20.04.010 through 20.04.120, 20.08.010 through 20.08.110, 20.12.020 through 20.12.040, 20.16.010 through 20.16.040, 20.20.010 through 20.20.060, 20.24.010 through 20.24.070, and 20.98.010 through 20.98.060; and providing penalties.

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

Definitions.

SECTION 1. For the purpose of this act:

"Director."

(1) "Director" means the director of agriculture or his duly authorized representative.

"Person."

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

"Agricultural product."

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry products, grain, livestock, bee or other agricultural product.

"Producer."

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product.

"Consignor."

(5) "Consignor" means any producer or person who sells, ships or delivers to any commission mer-

chant or dealer any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product. "Commission merchant."

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for or obtains from the consignor thereof, for reselling or processing, title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing. "Dealer."

(8) "Broker" means any person other than a commission merchant, dealer or cash buyer who negotiates the purchase or sale of any agricultural product: *Provided*, That no broker may handle the agricultural products involved or proceeds of such sale. "Broker."

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the "Cash buyer."

United States. However, a cashier's check, certified check or bank draft may be used for such payment.

"Agent."

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker or cash buyer, receives, contracts for or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker or cash buyer.

"Retail merchant."

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products: *Provided*, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business.

"Fixed or established place of business."

(12) "Fixed or established place of business" for the purpose of this act shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this act, and where specifically designed personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

SEC. 2. The director, but not his duly authorized representative, may adopt such rules and regulations as are necessary to carry out the purpose of this act. It shall be the duty of the director to enforce and carry out the provisions of this act, rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out duties imposed on him by this act, rules and regulations adopted hereunder.

Rules and
regulations—
Enforcement.

SEC. 3. This act does not apply to:

Excluded
under act.

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.56 RCW or chapter 24.32 RCW.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act with respect to his operation as such licensee.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

SEC. 4. On or after the effective date of this act no person shall act as a commission merchant, dealer, broker, cash buyer or agent without a license. Any person applying for such a license shall file an

License
required.

Application.

application with the director on or before January first of each year. Such application shall be accompanied by the following license fee:

Fees.

1. Commission merchant, fifty dollars
2. Dealer, fifty dollars
3. Broker, fifty dollars
4. Cash buyer, twenty-five dollars
5. Agent, five dollars.

Renewal license, application late—Penalty.

SEC. 5. If an application for renewal of a commission merchant, dealer, broker or cash buyer license is not filed prior to January first in any year, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a commission merchant, dealer, broker or cash buyer subsequent to the expiration of his prior license.

Licensee may secure other classification license free.

SEC. 6. Any person licensed as a commission merchant, dealer, broker or cash buyer, in the manner herein prescribed, may apply for and secure a license in any or all of the remaining such classifications without further payment of a fee: *Provided*, That a cash buyer shall accompany his application for a commission merchant, broker or dealer license with a fee of twenty-five dollars. Such applicant shall further comply with those parts of this act regulating the licensing of the other particular classifications involved.

License—Contents of application.

SEC. 7. Application for a license shall be on a form prescribed by the director and shall state the full name of the person applying for such license and if the applicant is an individual, receiver, trustee, firm, exchange, partnership, association or corporation, the full name of each member of the firm or partnership, or the names of the officers of the ex-

change, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name or names of the person authorized to receive and accept service of summons and legal notices of all kinds for the applicant and any other necessary information prescribed by the director.

SEC. 8. Any person applying for a commission merchant's license shall include in his application a schedule of commissions, together with an itemized list of all charges for services rendered to a consignor. Such commissions and charges shall not be changed or varied for the license period except by written contract between the consignor or his agent and the licensee or thirty days after written notice to the director, and proper posting of such changes, as prescribed by the director, on the licensee's premises. Charges for services rendered and not listed on the schedule of commissions and charges filed with the director shall be rendered only on an actual cost to the licensee basis.

Commission
merchant's
license—
Information
required.

SEC. 9. Any person applying for an agent's license shall include the name and address of the principal licensee represented or sought to be represented by such agent and the written endorsement or nomination of such principal licensee.

Agent's license
—Information
required.

SEC. 10. The director, upon his satisfaction that the applicant has met the requirements of this act and rules and regulations adopted hereunder, shall issue a license entitling the applicant to carry on the business described on the application. Such license shall expire on December 31st following the issuance of the license, provided that it has not been revoked or suspended prior thereto, by the director, after due notice and hearing. Fraud and misrepresentation in

Issuance of
license—
Expiration.

Grounds for
revocation.

making an application for a license shall be cause for refusal to grant a license or revocation of license granted pursuant to a fraudulent application after due notice and hearing.

List published.

SEC. 11. The director may publish a list, as often as he deems necessary, of all persons licensed under this act together with all the necessary rules and regulations concerning the enforcement of this act. Each person licensed under provisions of this act shall post his license or a copy thereof in his place or places of business in plain view of the public.

License displayed.

License plates displayed.

SEC. 12. The licensee shall prominently display license plates issued by the director on the front and back of any vehicle used by the licensee to transport upon public highways unprocessed agricultural products which he has not produced as a producer of such agricultural products. If the licensee operates more than one vehicle to transport unprocessed agricultural products on public highways he shall apply to the director for license plates for each such additional vehicle. Such additional license plates shall be issued to the licensee at the actual cost to the department for such license plates and necessary handling charges. Such license plates are not transferrable to any other person and may be used only on the licensee's vehicle or vehicles. The display of such license plates on the vehicle or vehicles of a person whose license has been revoked, or the failure to surrender such license plates forthwith to the department after such revocation, shall be deemed a violation of this act.

Fee.

Display violation.

Disposition of license fees.

SEC. 13. All sums received by the department in license fees under the provisions of this act shall be paid to the state treasurer and be deposited in a special fund to be known as the commission merchants' account and shall be used solely for the pur-

pose of carrying out the provisions of this act and rules and regulations adopted hereunder.

SEC. 14. Any change in the organization of any firm, association, exchange, corporation, or partnership licensed under the provisions of this act shall be reported to the director and the licensee's surety or sureties.

Organizational
change
reported.

SEC. 15. The director is authorized to deny, suspend, or revoke a license or issue conditional or probationary orders in the manner prescribed herein, in any case in which he finds that there has been a failure and/or refusal to comply with the requirements of this act, rules or regulations adopted hereunder.

Grounds to
deny, revoke,
license.

SEC. 16. In all proceedings for revocation, suspension, or denial of a license, or the issuance of a conditional or probationary order, the licensee or applicant shall be given an opportunity to be heard and may be represented by counsel. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for the hearing for such revocation, suspension, denial or the issuance of a conditional or probationary order. The notice shall also state the date, time and place where such hearing is to be held. A copy of such notice shall be mailed to the licensee's surety. Such hearings shall be held in the city of Olympia, unless a different place is fixed by the director.

Revocation,
denial, hear-
ings—Notice—
Place of.

SEC. 17. The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents, anywhere in the state. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be

Subpoenas—
Testimony.

administered by the director. Testimony shall be recorded and may be taken by deposition under such rules as the director may prescribe.

Findings and conclusions.

SEC. 18. The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a record of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Appeal to superior court.

SEC. 19. The revocation, suspension or denial of a license, or the issuance of conditional or probationary orders, shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within fifteen days after a copy thereof is served upon him, to the superior court of Thurston county or the county in which the hearing was held. A copy of such findings shall be mailed to the licensee's surety. In such appeal the entire record shall be certified by the director to the court, and the review on appeal shall be confined to the evidence adduced at the hearing before the director.

Appeal to supreme court.

SEC. 20. An appeal shall lie to the supreme court from the judgment of the superior court as provided in other civil cases.

Surety bond prerequisite to licensing—
Conditions of.

SEC. 21. Before a license is issued to any commission merchant and/or dealer the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Such bond shall be in the sum of five thousand dollars for a commission merchant and in the sum of three thousand dollars for a dealer. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the

principal will not commit any fraudulent act and will comply with the provisions of this act and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product. The total and aggregate liability of the surety for all claims which may arise during any one license period for which the bond shall remain in force shall be limited to the face of the bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration of the thirty-day period. The director shall promptly upon receiving any such request notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty-day period, file a new bond, the director shall forthwith cancel the principal's license.

SEC. 22. Any consignor of an agricultural product claiming to be injured by the fraud of any commission merchant and/or dealer may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud.

Action on
bond for
fraud.

SEC. 23. The director or any consignor of an agricultural product may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages

Action on
bond for vio-
lation of act.

caused by any failure to comply with the provisions of this act or the rules and regulations adopted hereunder.

Failure to pay
consignor—
Proceedings.

SEC. 24. In case of failure by a commission merchant and/or dealer to pay a consignor for an agricultural product received from said consignor, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such commission merchant and/or dealer, together with the amounts due and owing to them by such commission merchant and/or dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

Statement of
claims filed.

Failure to file
claim, default.

SEC. 25. If a consignor creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within sixty days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said consignor creditor.

Director's lia-
bility limited.

SEC. 26. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all said consignor creditors, the director after exerting due diligence and making reasonable inquiry to secure said information from all reasonable and available sources, may make demand on said bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

Demand upon
bond.

SEC. 27. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise

said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

SEC. 28. Upon the refusal of the surety company to pay the demand the director may thereupon bring an action on the bond in behalf of said consignor creditors. Upon any action being commenced on said bond the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such commission merchant and/or dealer shall file a new bond and upon failure to file the same within ten days in either case such failure shall constitute grounds for the suspension or revocation of his license.

Action on bond—New bond to be filed.

SEC. 29. In any settlement or compromise by the director with a surety company as provided in section 27 of this act, where there are two or more consignor creditors that have filed claims, either fixed or contingent, against a licensee's bond, such creditors shall share pro rata in the proceeds of the bond to the extent of their actual damage.

Pro rata sharing by creditors on bond.

SEC. 30. For the purpose of enforcing the provisions of this act the director is authorized to receive verified complaints from any consignor against any commission merchant, dealer, broker, cash buyer, or agent or any person, assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to the said complaint.

Verified complaints to director.

SEC. 31. The director or his authorized agents are empowered to administer oaths of verification on said complaints. He shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas in the manner prescribed in section 17 of this act requiring attendance of witnesses before him, together with all books, memoranda,

Subpoenas—Testimony.

Contempt.**Departmental records as evidence.****Grounds for investigation.****Investigating authority.**

papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said director shall be guilty of contempt and shall be certified to the superior court of the state for punishment for such contempt. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained, and may be admitted into evidence in any hearing provided in this act.

SEC. 32. The director on his own motion or upon the verified complaint of any interested party may investigate, examine or inspect (1) any transaction involving solicitation, receipt, sale or attempted sale of agricultural products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; (2) failure to make proper and true account of sales and settlement thereof as required under this act and/or rules and regulations adopted hereunder; (3) the intentional making of false statements as to conditions and quantity of any agricultural products received or in storage; (4) the intentional making of false statements as to market conditions; (5) the failure to make payment for products within the time required by this act; (6) any and all other injurious transactions. In furtherance of any such investigation, examination, or inspection, the director or his authorized representative, may examine that portion of the ledgers, books, accounts, memoranda and other documents, agricultural products, scales, measures and other articles and things used in connection with the business of such person relating to the transactions involved. For the purpose of such investigation the director shall at all times have free

and unimpeded access to all buildings, yards, warehouses, storage, and transportation facilities or any other place where agricultural products are kept, stored, handled or transported. The director may also, for the purpose of such investigation, issue subpoenas to compel the attendance of witnesses, as provided in section 17 of this act, and/or the production of books or documents, anywhere in the state.

SEC. 33. The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this act:

Grounds for refusal, revocation of licenses.

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this act.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agri-

Grounds for
refusal, rev-
ocation of
licenses.

cultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or

unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this act and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this act, without causing said agent to comply with the licensing requirements of this act applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or willful negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this act, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this act and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by check with insufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

SEC. 34. Previous violation by the applicant or licensee, or by any person connected with him, of any of the provisions of this act and/or rules and regulations adopted hereunder, shall be good and sufficient ground for denial, suspension or revoca-

Prior
violations
may affect
issuance,
duration,
of license.

tion of a license, or the issuance of a conditional or probationary order.

Existing contracts may affect issuance, duration, of license.

SEC. 35. The director, after hearing or investigation, may refuse to grant a license or renewal thereof and may revoke or suspend any license or issue a conditional or probationary order, as the case may require, when he is satisfied that the licensee has executory or executed contracts for the purchase of agricultural products, or for the handling of agricultural products on consignment.

In such cases, if the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of agricultural products would be likely to cause serious and irreparable loss to said consignor-creditors, or to consignors with whom the said dealer or commission merchant has said contracts, then the director within his discretion may thereupon and forthwith shorten the time herein provided for hearing upon an order to show cause why the license of said dealer or commission merchant should not be forthwith suspended, or revoked: *Provided*, That the time of notice of said hearing, shall in no event be less than twenty-four hours, and the director shall, within that period, call a hearing at which the dealer or commission merchant proceeded against shall be ordered to show cause why the license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors involved. Said hearing, in the case of such emergency, may be called upon written notice, said notice to be served personally or by mail on the dealer or commission merchant involved, and may be held at the nearest office of the director or at such place as may be most convenient at the dis-

cretion of the director, for the attendance of all parties involved.

SEC. 36. Any order revoking or suspending a license may, within the discretion of the director, be made conditional upon the settlement, adjustment or satisfaction of the consequence of the violation or violations as specified, and the operation of such an order may be deferred for such purpose. Any such order may contain provisions for modification or dismissal thereof upon presentation to the director of evidence that the matter of complaint has been settled, adjusted or withdrawn at any time before such order becomes final.

Conditional
revocation of
license au-
thorized.

SEC. 37. Every commission merchant, having received any agricultural products for sale as such commission merchant, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

Records to be
kept by com-
mission
merchant.

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The condition and quantity upon arrival.
- (4) Date of such sale for account of consignor.
- (5) The terms of the sale.
- (6) An itemized statement of the charges to be paid by consignor in connection with the sale.
- (7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as co-partner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(8) A lot number or other identifying mark for each consignment, which number or mark shall

appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

Records to be kept by dealer.

SEC. 38. Every dealer purchasing any agricultural products from the consignor thereof shall promptly make and keep for one year a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) An itemized statement of any charges paid by the dealer for the account of the consignor. A copy of such record shall be forwarded to the consignor.

Payment by dealer, when.

SEC. 39. Every dealer must pay for agricultural products delivered to him at the time and in the manner specified in the contract with the producer, but if no time is set by such contract, or at the time of said delivery, then within thirty days from the delivery or taking possession of such agricultural products.

Broker's memorandum of sale.

SEC. 40. Every broker, upon negotiating the sale of agricultural products, shall issue to both buyer and seller a written memorandum of sale, showing price, date of delivery, quality, and other details concerned in the transaction. A copy of this memorandum shall be retained by the broker for a period of one year.

SEC. 41. A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to or purchased by a commission merchant from the consignor thereof when prescribed by the director. The commission merchant, dealer or cash buyer shall issue a copy of such manifest to the consignor of such agricultural products and the original shall be retained by the licensee. Such manifest of cargo shall be valid only when signed by the licensee or his agent and the consignor of such agricultural products.

Manifest of cargo carried in transport.

SEC. 42. When requested by his consignor, a commission merchant shall, before the close of the next business day following the sale of any agricultural products consigned to him, transmit or deliver to the owner or consignor of the agricultural products a true written report of such sale, showing the amount sold, and the selling price.

Commission merchant's report of sale.

SEC. 43. Every commission merchant shall remit to the consignor of any agricultural product the full price for which such agricultural product was sold within ten days of said sale, unless otherwise agreed in writing. Such remittance shall include all collections, overcharges and damages, less the agreed commission and other charges and a complete account of the sale.

Price remittance by commission merchant.

SEC. 44. Every commission merchant shall retain a copy of all records covering each transaction for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack,

Commission merchant's records retained.

Departmental certificate.

quantity, or weight of any lot, shipment or consignment of agricultural products, the department shall furnish, upon the payment of a reasonable fee therefor by the requesting party, a certificate establishing the condition, quality, grade, pack, quantity, or weight of such lot, shipment or consignment. Such certificate shall be prima facie evidence in all courts of this state as to the recitals thereof. The burden of proof shall be upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned.

Certificate of damage requisite to claim against consignor.

SEC. 45. No claim may be made as against the seller of agricultural products by a dealer or cash buyer under this act, and no credit may be allowed to such dealer or cash buyer as against a consignor of agricultural products by reason of damage to, or loss, dumping, or disposal of agricultural products sold to said dealer or cash buyer, in any payment, accounting or settlement made by said dealer or cash buyer to said consignor, unless said dealer or cash buyer has secured and is in possession of a certificate, issued by an agricultural inspector, county health officer, director, a duly authorized officer of the state department of health, or by some other official now or hereafter authorized by law, to the effect that the agricultural products involved have been damaged, dumped, destroyed or otherwise disposed of as unfit for the purpose intended. Such certificate will not be valid as proof of proper claim, credit or offset unless issued within twenty-four hours, or a reasonable time as prescribed by the director, of the receipt by the dealer or cash buyer of the agricultural products involved.

Violations, gross misdemeanors.

SEC. 46. Any person is guilty of a gross misdemeanor who assumes or attempts to act or acts as a commission merchant, dealer, broker, cash buyer, or agent without a license, or any licensee who:

(1) Imposes false charges for handling or services in connection with agricultural products.

(2) Intentionally makes false or misleading statement or statements as to market conditions.

(3) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(4) Directly or indirectly purchases, for his own account, goods received by him upon consignment without prior authority from the consignor, or fails promptly to notify the consignor of such purchases, if any, on his own account. This clause does not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant forthwith enters such transaction on his account of sales.

(5) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(6) Fails to comply in every respect with the provisions of this act and/or rules and regulations adopted hereunder.

SEC. 47. The director may bring an action to enjoin the violation or the threatened violation of any provision of this act or of any order made pursuant to this act in the superior court in the county in which such violation occurs or is about to occur. **Venue.**

SEC. 48. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy. **Cumulative remedy.**

SEC. 49. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional. **Severability.**

Effective date.

SEC. 50. The effective date of this act shall be January 1, 1960.

Repeal.

SEC. 51. Chapter 14, Laws of 1955 as amended by section 4, chapter 262, Laws of 1955, section 3, chapter 262, Laws of 1955, sections 1 and 2, chapter 262, Laws of 1955 and RCW 20.04.010 through 20.04.120, 20.08.010 through 20.08.110, 20.12.020 through 20.12.040, 20.16.010 through 20.16.040, 20.20.010 through 20.20.060, 20.24.010 through 20.24.070 and 20.98.010 through 20.98.060 are hereby repealed.

Passed the Senate March 5, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 140.

[S. B. 121.]

CRIMES—JUVENILES—TRANSFER TO OTHER FACILITIES.

AN ACT relating to the confinement of juveniles under the age of sixteen convicted of a felony; authorizing the director of the department of institutions to transfer such persons to facilities of the division of children and youth services of the department of institutions or other appropriate institution; and declaring an emergency.

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

Transfer of youthful felons authorized.

SECTION 1. Whenever any child under the age of sixteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the director of the department of institutions may transfer such child to a juvenile correctional institution under the supervision of the division of children and youth services of the department of institutions, or to such other institution as is now, or may hereafter be authorized

by law to receive such child, until such time as the child arrives at the age of eighteen years, whereupon the child shall be returned to the institution of original commitment. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

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. Emergency.

Passed the Senate March 7, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 141.

[S. B. 141.]

CRIMES—THREATS OF INJURY TO PROPERTY.

AN ACT prohibiting threats of property damage.

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

SECTION 1. It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, place of worship or public assembly, or any other building, common carrier, structure or place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated. Threats
unlawful.

SEC. 2. It shall not be a defense to any prosecution under this act that the threatened bombing or injury was a hoax. Hoax, no
defense.

Violation,
gross mis-
demeanor.

SEC. 3. Any violation of this act shall be a gross misdemeanor.

Passed the Senate March 7, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 142.

[S. B. 8.]

PUBLIC UTILITY DISTRICTS.

AN ACT relating to public utility districts; amending section 1, chapter 210, Laws of 1953 and RCW 36.29.160, section 16, chapter 390, Laws of 1955 and RCW 54.16.150, section 17, chapter 390, Laws of 1955 and RCW 54.16.160; and adding a new section to chapter 390, Laws of 1955 and to chapter 54.16 RCW.

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

New section.

SECTION 1. There is added to chapter 390, Laws of 1955 and to chapter 54.16 RCW a new section to read as follows:

Segregation
of assess-
ments au-
thorized—
Procedure.

Whenever any land against which there has been levied any special assessment by any public utility district shall have been sold in part or subdivided, the board of commissioners of such public utility district shall have the power to order a segregation of the assessment.

Any person owning any part of the land involved in a special assessment and desiring to have such special assessment against the tracts of land segregated to apply to smaller parts thereof shall apply in writing to the board of commissioners of the public utility district which levied the assessment. If the commissioners determine that a segregation should be made they shall do so as nearly as possible on the same basis as the original assessment was levied and the total of the segregated parts of the assessment shall equal the assessment before segregation.

The commission shall then send notice thereof by mail to the several owners interested in the tract, as shown on the general tax rolls. If no protest is filed within twenty days from date of mailing said notice, the commission shall then by resolution approve said segregation. If a protest is filed, the commission shall have a hearing thereon, after mailing to the several owners at least ten days notice of the time and place thereof. After the hearing, the commission may by resolution approve said segregation, with or without change. Within ten days after the approval, any person aggrieved by the segregation may perfect an appeal to the superior court of the county wherein the property is situated and therefrom to the supreme court, all as provided for appeals from assessments levied by cities of the first class. The resolution approving said segregation shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part, and shall order the county treasurer to make segregation on the original assessment roll as directed in the resolution. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered. The board of commissioners may require as a condition to the order of segregation that the person seeking it pay the public utility district the reasonable engineering and clerical costs incident to making the segregation. Unless otherwise provided in said resolution, the county treasurer shall apportion amounts paid on the original assessment in the same proportion as the segregated assessments bear to the original assessment. Upon segregation being made by the county treasurer, as aforesaid, the lien of the special assessment shall apply to the segregated parcels only to the extent of the segregated part of such assessment.

RCW 36.29.160
amended.

SEC. 2. Section 1, chapter 210, Laws of 1953 and RCW 36.29.160 are each amended to read as follows:

Segregation
to be made
upon cer-
tification.

The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made hereafter in public utility districts, sewer districts, water districts, or county road improvement districts, under the terms of Title 54, Title 56, Title 57, or chapter 36.88, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assessment or charges as the board of commissioners of the public utility district, sewer district, the water district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon his records and give receipt therefor.

RCW 54.16.150
amended.

SEC. 3. Section 16, chapter 390, Laws of 1955 and RCW 54.16.150 are each amended to read as follows:

Procedure,
petition by
majority of
landowners.

When a petition signed by a majority of the landowners in a proposed local improvement district is filed with the commission, asking that the improvement therein described be ordered, the commission shall forthwith fix a date for hearing thereon after which it shall, by resolution, order the improvement, and may alter the boundaries of the proposed district; prepare and adopt the improvement; prepare and adopt detail plans thereof; declare the estimated cost thereof, what proportion of the cost shall be borne by the local district, and what proportion, if any, shall be 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 assessment or reassessment proceedings to pay all eminent domain awards necessary to entitle the district to proceed with the work, and shall thereafter proceed with the work, and shall file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property in the local improvement district in proportion to the special benefits to be derived by the property in the local district from the improvement: *Provided, however,* No such improvement shall be ordered unless the same appears to the commission to be financially and economically feasible: *And provided further,* That the commission may require as a condition to ordering such improvement or to making its determination as to the financial and economic feasibility, that all or a portion of such engineering, legal or other costs incurred or to be incurred by the commission in determining financial and economic feasibility shall be borne or guaranteed by the petitioners of the proposed local improvement district under such rules as the commission may adopt. No person shall withdraw his name from the petition after the same has been filed with the commission.

SEC. 4. Section 17, chapter 390, Laws of 1955 and RCW 54.16.160 are each amended to read as follows:

Before approval of the roll, a notice shall be published once each week for two successive weeks in a newspaper of general circulation in the county, stating that the roll is on file and open to inspection in the office of the secretary, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary

RCW 54.16.160
amended.
Assessment
roll—Hear-
ing—Appeal
—Expenses.

Assessment
roll—Hearing
—Appeal—
Expenses.

against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the commission may alter any and all assessments shown on the roll and may, by resolution, approve it, but if an assessment is raised, a new notice, similar to the first, shall be given, and a hearing had thereon, after which final approval of the roll may be made. Any person aggrieved by the assessments shall perfect an appeal to the superior court of the county within ten days after the approval, in the manner provided for appeals from assessments levied by cities of the first class. In the event such an appeal shall be taken, the judgment of the court shall confirm the assessment insofar as it affects the property of the appellant unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the commission thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant. In the same manner as provided with reference to cities of the first class an appeal shall lie to the supreme court from the judgment of the superior court, as in other cases, if taken within fifteen days after the date of the entry of the judgment in the superior court. Engineering, office, and other expenses necessary or incident to the improvement shall be borne by the public utility district: *Provided*, That when a municipal corporation included in the public utility district already owns or operates a utility of a character like that for which the assessments are levied hereunder, all such engineering and other expenses shall be borne by the local assessment district.

Passed the Senate February 16, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 143.

[S. B. 99.]

CRIMES—DANGEROUS WEAPONS.

AN ACT relating to crimes and punishment; and amending section 929, Code of 1881, as last amended by section 1, chapter 93, Laws of 1957, and RCW 9.41.250.

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

SECTION 1. Section 929, Code of 1881, as last amended by section 1, chapter 93, Laws of 1957, and RCW 9.41.250 are each amended to read as follows:

RCW 9.41.250
amended.

Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a gross misdemeanor.

Dangerous
weapons—
Possession,
gross mis-
demeanor.

Passed the Senate February 27, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 144.

[S. B. 332.]

TOLL BRIDGES—LOWER COLUMBIA RIVER.

AN ACT relating to a toll bridge over the lower Columbia River.

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

Agreements authorized.

SECTION 1. If the financial studies and surveys as provided in RCW 47.56.510 or future financial studies and surveys shall conclude that the construction of a toll bridge over the lower Columbia River is feasible, the Washington toll bridge authority, the Washington state highway commission and any county or political subdivision of the state of Washington, are each authorized to enter into agreement with each other, the Oregon state highway commission, the Port of Astoria, Oregon, or any other governmental agency or political subdivision of the states of Oregon or Washington or the federal government, providing for the financing, design, location, acquisition of right of way, construction, operation and maintenance of such bridge and approaches.

Permissible parts thereof.

SEC. 2. Any agreement pursuant to section 1 of this act may include, but shall not be limited to, the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified, itemized statements of such advances and expenses have been

submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(2) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

SEC. 3. Pursuant to any agreement made under the authority of section 1 of this act, the Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Powers of
toll bridge
authority
pursuant to
such an
agreement.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.510, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Operational powers granted pursuant to such an agreement.

SEC. 4. Pursuant to any agreement made under the authority of section 1 of this act, the Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of the bridge constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the cost of maintaining, operating and repairing said bridge while

the same is operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in RCW 47.56.310 through 47.56.345.

SEC. 5. Except as may be otherwise specifically provided in this act, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of this act. Nothing in this act is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of this act for the uses and purposes herein set forth, and shall be additional to such existing statutes and concurrent therewith.

Chapter 47.56
RCW to
control.

Act, addi-
tional not
amendatory.

SEC. 6. If any sentence, clause or phrase of this act shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause or phrase of this act.

Severability.

Passed the Senate March 9, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 145.

[S. B. 10.]

JUVENILES—TRANSFER TO STATE HOSPITAL.

AN ACT relating to the transfer of alleged mentally ill or psychopathic children from state juvenile correctional institutions to state hospitals for observation and diagnosis; providing procedures for commitment of such persons, defining terms and amending chapter 28, Laws of 1959 and chapter 72.01 RCW by adding two sections thereto.

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

New section.

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

Transfer of
juvenile
inmate to
state hospital
—Procedure.

A superintendent of a state juvenile correctional institution of the department of institutions, division of children and youth services, may, when in his opinion any child committed to his custody is mentally ill or psychopathic, request in writing from the director of the department of institutions authority for the transfer of such child to a designated state hospital: *Provided*, That the superintendent's written request to the director for authority to transfer shall set forth the reasons for his opinion that such child is mentally ill or psychopathic. If in the opinion of the director reasonable grounds exist for the belief that such child is mentally ill or psychopathic, the director may order the transfer of such child to a designated state hospital for the purpose of detention, observation, examination and diagnosis of such child for a period not to exceed thirty days: *Provided*, That such order of transfer shall not become effective until fifteen days written notice of such order by registered or certified mail has been given to the nearest relative of such alleged mentally ill child and the juvenile court of original commitment. On or before the expiration of such observa-

tion period the superintendent of the state hospital shall provide the director with a written report of his findings and opinion as to whether or not such child is mentally ill or psychopathic. On or before the expiration of such thirty day observation period the director may, either, file an application in the superior court of the county where such child has been transferred for observation, for the commitment of such child as a mentally ill person under the provisions of RCW 71.02.090, or file an application for the commitment of such child as a psychopathic delinquent under the provisions of chapter 71.06 RCW, or return such child to the juvenile correctional institution from which originally transferred to the state hospital for observation: *Provided*, That if the director shall make application for the commitment of such child as a psychopathic delinquent, the period of observation required by RCW 71.06.200 may be dispensed with, but the written report of the findings of the superintendent of the state hospital where such child has been observed shall be submitted with such application for commitment.

SEC. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

New section.

For the purpose of this act the term "mentally ill" shall have the same meaning as the definition of "mentally ill person" as defined in RCW 71.02.010, and the term "psychopathic" shall have the same meaning as the definition of "psychopathic personality" as defined in RCW 71.06.010.

Definitions.
"Mentally ill."
"Psychopathic."

Passed the Senate February 27, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 146.

[S. B. 139.]

TRUSTS—RULE AGAINST PERPETUITIES.

AN ACT relating to instruments creating trusts where the trust instrument or some provision or provisions thereof violate the rule against perpetuities; and providing for the enjoyment of the benefits thereof, the distribution of trust assets, and the vesting of title to property subject to trust, notwithstanding the rule against perpetuities.

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

Periods rule against perpetuities in-applicable.

SECTION 1. If any provision of an instrument creating a trust shall violate the rule against perpetuities, neither such provision nor any other provisions of the trust shall thereby be rendered invalid during any of the following periods:

(1) The twenty-one years following the effective date of the instrument.

(2) The period measured by any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such life or lives.

(3) The period measured by any portion of any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such portion of such life or lives; and

(4) The twenty-one years following the expiration of the periods specified in (2) and (3) above.

Assets distributable during trust.

SEC. 2. If, during any period in which an instrument creating a trust or any provision thereof is not to be rendered invalid by the rule against perpetuities, any of the trust assets should by the terms of the instrument become distributable or any beneficial interest therein should by the terms of the instrument become vested, such assets shall be dis-

tributed and such beneficial interest shall validly vest in accordance with the instrument.

SEC. 3. If, at the expiration of any period in which an instrument creating a trust or any provision thereof is not to be rendered invalid by the rule against perpetuities, any of the trust assets have not by the terms of the trust instrument become distributable or vested, then such assets shall be then distributed as the superior court having jurisdiction shall direct, giving effect to the general intent of the creator of the trust.

Assets distributable at expiration of trust.

SEC. 4. For the purposes of this act the effective date of an instrument purporting to create an irrevocable inter vivos trust shall be its date of delivery, and the effective date of an instrument purporting to create either a revocable inter vivos trust or a testamentary trust shall be the date of the trustor's or testator's death.

Effective dates of trusts.

SEC. 5. The provisions hereof shall be applicable to any instrument purporting to create a trust which has an effective date subsequent to the effective date of this act.

Application of act.

SEC. 6. If any of the provisions of this act shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this act are declared to be severable.

Severability.

Passed the Senate February 16, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 147.

[S. B. 142.]

VETERANS' BONUSES.

AN ACT relating to veterans' bonuses; amending section 12, chapter 292, Laws of 1955 and RCW 73.33.120; and making an appropriation.

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

RCW 73.33.120 amended.

SECTION 1. Section 12, chapter 292, Laws of 1955 and RCW 73.33.120 are each amended to read as follows:

Termination date.

Neither the state auditor nor his authorized agents shall accept any certificate presented for the purpose of obtaining the benefits of this act after twelve o'clock noon on December 31, 1959, nor shall he draw any warrant for the payment of any compensation authorized by this chapter unless a formal application has been filed on or before the hour and date set forth above.

The state auditor and his authorized agents shall have until December 31, 1959, to process all applications filed pursuant to this chapter and microfilm all records pertaining thereto.

Appropriation.

SEC. 2. For the biennium ending March 31, 1960, there is appropriated from the war veterans' compensation fund the sum of three hundred and forty-seven thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act, of which appropriation the sum of twenty-seven thousand dollars may be expended for salaries, wages, and operations and three hundred and twenty thousand dollars may be expended for the payment of the benefits provided for in this act.

Passed the Senate March 6, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 148.

[Sub. S. B. 153.]

SCHOOL DISTRICTS—ATTENDANCE CREDITS.

AN ACT relating to school districts; and amending section 12, chapter 5, Title III, chapter 97, Laws of 1909, as last amended by section 2, chapter 77, Laws of 1943, and RCW 28.48.070.

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

SECTION 1. Section 12, chapter 5, Title III, chapter 97, Laws of 1909, as last amended by section 2, chapter 77, Laws of 1943, and RCW 28.48.070 are each amended to read as follows:

RCW 28.48.070
amended.

Under rules established by the state board of education, the superintendent of public instruction may allow a district attendance credit in spite of nonattendance if:

Credit for
excused non-
attendance.

(1) The school board of any district is obliged to close a school by order of any health officer on account of prevalence of infectious or contagious diseases; or

(2) It is necessary to excuse pupils or it is impossible to maintain a school on account of failure of transportation, heating or sanitary facilities or on account of wartime emergencies, or on account of any circumstance over which the school board had no control; or

(3) A board closes a school or excuses pupils from attendance at school to assist in the relief of labor shortage occasioned by war conditions; or

(4) Pupils are absent due to excessive verified illness.

Under the provisions of this act, in no case shall any district receive credit for absences which when added to the average daily attendance would exceed the average percentage that the average daily at-

tendance is of enrollment in each school district as computed from the preceding six years.

Records audited.

SEC. 2. Attendance records of school districts may be audited by the legislative budget committee.

Passed the Senate February 27, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 149.

[S. B. 166.]

MARRIAGE.

AN ACT relating to marriage; amending section 1, chapter 174, Laws of 1909, as amended by section 1, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.030; amending section 2, chapter 174, Laws of 1909, as amended by section 2, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.040; and amending section 3, chapter 174, Laws of 1909, as amended by section 3, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.210.

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

RCW 26.04.030 amended.

SECTION 1. Section 1, chapter 174, Laws of 1909, as amended by section 1, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.030 are each amended to read as follows:

Prohibited marriages—Criminality, insanity, disease.

No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is a common drunkard, habitual criminal, imbecile, feeble-minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or who is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state.

SEC. 2. Section 2, chapter 174, Laws of 1909, as amended by section 2, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.040 are each amended to read as follows:

RCW 26.04.040
amended.

No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter knowingly perform a marriage ceremony uniting persons in matrimony either of whom is an imbecile, feeble-minded person, common drunkard, idiot, insane person, or person who has theretofore been afflicted with hereditary insanity, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless the female party to such marriage is over the age of forty-five years.

Solemniza-
tion pro-
hibited.

SEC. 3. Section 3, chapter 174, Laws of 1909, as amended by section 3, chapter 16, Laws of 1909 extraordinary session, and RCW 26.04.210 are each amended to read as follows:

RCW 26.04.210
amended.

The county auditor, before a marriage license is issued, upon the payment of a license fee of two dollars, shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: *Provided*, That in addition, the affidavit of the male applicant for such marriage license shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the female is over the age of eighteen years and the male is over the age of twenty-one years: *Provided*, That if the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in

Affidavits
required for
issuance
of license.

cases where the female is under the age of eighteen years or the male is under the age of twenty-one years: *Provided*, That no consent shall be given, nor license issued, unless such female be over the age of fifteen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Any one knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Passed the Senate March 5, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 150.

[S. B. 168.]

STATE FUNDS—INVESTMENTS.

AN ACT authorizing the state finance committee to invest certain funds in regents' revenue bonds; and adding a new section to chapter 43.84 RCW.

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

New section.

SECTION 1. There is added to chapter 43.84 RCW a new section to read as follows:

Additional investments authorized.

In addition to the provisions of RCW 43.84.010, the state finance committee is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of the State College of Washington for the purposes provided for in RCW 28.76.180 and to invest moneys in the State University Permanent Fund in regents' revenue bonds issued by the board of regents of the

University of Washington for the purposes provided in RCW 28.76.180.

Passed the Senate February 26, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 151.

[S. B. 224.]

FOREST PROTECTION.

AN ACT relating to forest protection; amending section 10, chapter 142, Laws of 1955, as amended by section 7, chapter 111, Laws of 1957 and RCW 76.04.250; amending section 12, chapter 142, Laws of 1955 and RCW 76.04.270; amending section 16, chapter 125, Laws of 1911, as amended by section 3, chapter 33, Laws of 1917, and RCW 76.04.310; and amending section 17, chapter 125, Laws of 1911, as last amended by section 13, chapter 142, Laws of 1955 and RCW 76.04.320.

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

SECTION 1. Section 10, chapter 142, Laws of 1955, as amended by section 7, chapter 111, Laws of 1957 and RCW 76.04.250 are each amended to read as follows:

RCW 76.04.250 amended.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions:

Spark emitting machines regulated.

(1) Any woods operation or mill using spark emitting or electric engines unless provided with the following fire tools, or the serviceable equivalent thereof, at each landing and/or yarding tree or mill:

(a) For operations employing more than five men:

Spark
emitting
machines
regulated.

To be kept in a sealed tool box: Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, six long handle round point shovels or "D" handle round point shovels and six adze eye forestry fire fighting hoes;

To be kept adjacent to the tool box: Two bucking saws with handles unless power chain saw in working condition is kept on landing during the period of actual operation and until the end of the watchman service as required by RCW 76.04.320, and one five-gallon back pack pump can filled with water and one hundred gallons of water;

(b) For operations employing five men or less:

To be kept in a sealed tool box: Two double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, three long handle round point shovels or "D" handle round point shovels, and three adze eye forestry fire fighting hoes;

To be kept adjacent to the tool box: One bucking saw with handles unless power chain saw in working condition is kept on landing during actual operation and until the end of the watchman service as required in RCW 76.04.320, and one five-gallon back pack pump can filled with water, and fifty gallons of water and two buckets.

(2) Any gasoline, diesel, or electric yarding, skidding, or loading engine unless:

(a) Equipped with two chemical fire extinguishers of not less than one and one-half quart capacity each;

(b) Exhaust is turned up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester.

(3) Any tractor unless:

(a) Equipped with one chemical fire extinguisher of not less than one quart capacity;

(b) It has a suitable exhaust pipe of a minimum of eighteen inches in length above the normal position of the hood and is turned up perpendicular or is equipped with an adequate spark arrester.

(4) Any truck or vehicle hauling forest products for commercial purposes from any forest area unless:

(a) Equipped with a chemical fire extinguisher of at least one quart capacity;

(b) Equipped with one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle;

(c) Equipped with one long handle round point shovel or a "D" handle round point shovel;

(d) Exhaust is turned up perpendicular or equipped with adequate spark arrester or muffler.

(5) Any portable power saw unless the power saw operators keep in their immediate possession a suitable chemical fire extinguisher of at least eight ounce capacity, and a suitable shovel and the power saw is equipped with a muffler or other device adequate to prevent the emission of sparks.

(6) Any gasoline or diesel engine used in a mill or other fixed position for uses not specifically mentioned above unless:

(a) Equipped with chemical fire extinguisher of at least one quart capacity;

(b) Exhaust is pointed up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester;

(c) One hundred gallons of water and two buckets.

All equipment required in this chapter must be kept in serviceable condition at all times. Tool boxes must have waterproof lids, must be of sound construction and provided with hinges and hasp so arranged that the box can be properly sealed.

The water requirements specified herein will be satisfied provided the containers are equipped with

a gate valve three quarters inch or larger inside diameter and have provisions for venting or have the top open, and are so located that the contents can be withdrawn by one man working alone.

The supervisor of forestry may reduce the requirements set forth herein by written permission whenever in his judgment the operation is of such type or location and/or the weather is such that all of the requirements herein are not required for the protection of life and property.

RCW 76.04.270 amended.

SEC. 2. Section 12, chapter 142, Laws of 1955 and RCW 76.04.270 are each amended to read as follows:

Work stop-
page notice
—Penalty for
violation.

Every person upon receipt of written notice issued by the supervisor or any regularly employed warden or ranger, that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.250, 76.04.260, 76.04.310, and 76.04.320, as amended, shall cease such operations until the provisions of the sections specified in such notice have been complied with. The forest officer may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

RCW 76.04.310 amended.

SEC. 3. Section 16, chapter 125, Laws of 1911, as amended by section 3, chapter 33, Laws of 1917, and RCW 76.04.310 are each amended to read as follows:

Burning on
rights of way.

Everyone clearing right of way for railroad, public highway, private road, ditch, dike, pipe or wire line, or for any other transmission, or transportation utility right of way, shall pile and burn on such right of way, or dispose of by other satisfactory procedure all refuse timber, brush, and debris cut thereon, as rapidly as the clearing or cutting pro-

gresses, or at such other times as the forester may specify, and if during the closed season, in compliance with the law requiring burning permits. No one clearing any land or right of way, or in cutting or logging timber for any purpose, shall fell, or permit to be felled, any trees so that they may fall on to land owned by another without first obtaining permission from such owner in addition to complying with the terms of this section for the disposal of refuse. All the terms of this section and other forest laws of the state shall be observed in all clearings of right of way or other land on behalf of the state itself or any county thereof, either directly or by contract; and, unless unavoidable emergency prevents, provision shall be made by all officials directing such work for withholding a sufficient portion of the payment therefor until the disposal is completed, to insure the completion of the disposal in compliance with this section.

SEC. 4. Section 17, chapter 125, Laws of 1911, as last amended by section 13, chapter 142, Laws of 1955, and RCW 76.04.320 are each amended to read as follows:

RCW 76.04.320
amended.

Wherever a spark emitting or electric engine is operated within one-eighth mile of forest land for the logging of timber, the clearing of land of wood material, the processing of wood material, or for exploratory drilling during the period April 15th to October 15th inclusive the following requirements shall be instituted:

Spark emitting
electric
engines—
Watchman—
Removal
of snags.

(1) Provide at least one competent man as a watchman at each logging side, construction or land clearing area, wood processing plant, or drilling site where the above described spark emitting engine was operated. Such watchman shall be trained in the suppression of fire and shall be vigilant to detect fire. Said watchman service shall continue for a

minimum of two hours following each time the spark emitting or electric engine ceases operations.

(2) Cut down all snags, stubs, and dead trees over fifteen feet in height within a radius of one hundred fifty feet and clear the ground of all inflammable debris within a radius of thirty-five feet from each spark emitting or electric engine operating at each landing, and/or yarding tree, mill or drilling site.

(3) The supervisor of forestry may modify in writing the provisions herein contained whenever in his judgment the operation is so located or the weather is such that they would be unnecessary for the protection of life and property.

Passed the Senate February 28, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 152.

[S. B. 253.]

HORTICULTURE.

AN ACT relating to horticulture; amending sections 1, 9, 10, 11 and 13, chapter 163, Laws of 1957 and RCW 15.04.100, 15.16-.035, 15.16.040, 15.16.050 and 15.16.060; and repealing section 8, chapter 163, Laws of 1957 and RCW 15.08.280.

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

RCW 15.04.100 amended.

SECTION 1. Section 1, chapter 163, Laws of 1957 and RCW 15.04.100 are each amended to read as follows:

Horticulture inspection trust fund.

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed seventy-five thousand dollars.

The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist horticultural inspection districts in temporary financial distress as result of less than normal production of horticultural commodities. Districts receiving such assistance shall make repayment to the trust fund as district funds shall permit.

SEC. 2. Section 13, chapter 163, Laws of 1957 and RCW 15.16.035 are each amended to read as follows:

RCW 15.16.035 amended.

For the purpose of this chapter the state shall be divided into the following horticultural inspection districts to which may be assigned one or more inspectors-at-large who shall supervise and administer regulatory and inspection affairs of the district:

Horticulture inspection districts established.

- District One: Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin
- District Two: Spokane, Lincoln, Stevens, Ferry, Pend Oreille
- District Three: Adams, Grant
- District Four: Chelan, Southern portion of Douglas
- District Five: Yakima, Kittitas, Klickitat, Skamania
- District Six: Clark, Cowlitz, Wahkiakum
- District Seven: Lewis, Pacific, Thurston, Mason, Grays Harbor
- District Eight: Pierce, Kitsap, Jefferson, Clallam
- District Nine: King

District Ten: Whatcom, Snohomish, San Juan, Skagit, Island
 District Eleven: Okanogan, Northern part of Douglas.

The director shall establish those portions of district boundaries which do not follow county lines.

RCW 15.16.040 amended.

SEC. 3. Section 9, chapter 163, Laws of 1957 and RCW 15.16.040 are each amended to read as follows:

Horticultural inspector—Appointment—Duties—Fees.

Upon application by a financially interested party for inspection and certification services on certain specified fruits, vegetables, nursery stock, or other horticultural products the director, supervisor, or inspectors-at-large may appoint a horticultural inspector who shall perform such services and certify to the shipper or interested parties the quality, grade and condition of the specified products. Said services shall be made pursuant to rules and regulations adopted from time to time by the director and upon payment of such fees as he may determine will, as near as may be, cover the cost of the service.

RCW 15.16.050 amended.

SEC. 4. Section 10, chapter 163, Laws of 1957 and RCW 15.16.050 are each amended to read as follows:

Collection, deposit and use of fees.

The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with section 1 of this amendatory act. Inspectors-at-large shall furnish bonds to the state in amounts set by the administrative board, with sureties approved by the director, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on

Inspectors-at-large, bonds.

or before the tenth day of each month, render to the director a detailed account of the receipts and disbursements for the preceding month.

SEC. 5. Section 11, chapter 163, Laws of 1957 and RCW 15.16.060 are each amended to read as follows: RCW 15.16.060 amended.

On the thirtieth day of June of each year the inspectors-at-large shall render to the commissioners of every county in which such service has been rendered in their districts, a complete account of the past year's business. Should there remain on hand in any horticultural district fund after all expenses of said services have been paid, amounts in excess of those in the following schedule, they shall be returned to the contributors to the fund in proportion to the amount each contributed: Schedule: Districts 2, 6 and 7, each, twenty-five thousand dollars; districts 1 and 8, each, thirty thousand dollars; districts 9 and 10, each, fifty thousand dollars; district 11, seventy-five thousand dollars; and districts 3, 4 and 5, each, one hundred thousand dollars. Inspectors-at-large, annual reports.

SEC. 6. Section 8, chapter 163, Laws of 1957 and RCW 15.08.280 are each repealed. Repeal.

Passed the Senate March 3, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 153.

[S. B. 268.]

COMMISSIONER OF PUBLIC LANDS—FEES.

AN ACT relating to the collection of fees by the commissioner of public lands; amending section 190, chapter 255, Laws of 1927 and RCW 43.12.120; and declaring an emergency.

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

RCW 43.12.120 amended.

SECTION 1. Section 190, chapter 255, Laws of 1927 and RCW 43.12.120 are each amended to read as follows:

Fees.

The commissioner of public lands for services performed by him, may charge and collect the following fees: (1) For a copy of any record, document, or paper on file in his office, one dollar per page; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, five dollars; (4) for each deed, five dollars; (5) for issuance of each harbor area lease and approval of bond, five dollars; (6) for approval of each assignment of contract, lease, or bill of sale, five dollars; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, five dollars for each contract; (8) for each right-of-way certificate issued, five dollars.

Emergency.

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, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 154.

[S. B. 339.]

RESIDENTIAL SCHOOLS—APPLICATIONS.

AN ACT relating to state schools for the mentally and/or physically deficient; and amending section 72.33.120, chapter 28, Laws of 1959 and RCW 72.33.120.

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

SECTION 1. Section 72.33.120, chapter 28, Laws of 1959 and RCW 72.33.120 are each amended to read as follows:

RCW 72.33.120 amended.

Pursuant to reasonable rules and regulations of the department, acting through the division, the superintendent of a state school, subject to the provisions of section 72.33.070, shall receive a person as a resident who is suitable for care, training, treatment, or education appropriate to mental deficiency and/or physical deficiency, or for observation as to the existence of mental deficiency as defined in section 72.33.020, upon the receipt of a written application submitted in accordance with the following requirements:

Admission to school—Voluntary application.

(1) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian or agency entitled to custody, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such minor is mentally and/or physically deficient as herein defined and in need of residential care, treatment, training, or education. In the event the minor is entitled to school services, the application shall be accompanied by a report from the county school superintendent and/or the superintendent of the school district in which such minor

Admission
to school—
Voluntary
application.

resides setting forth the educational services rendered or in need of being rendered to the minor.

(2) In the case of an adult person, the application shall be made by his parents, or by the parent, guardian or agency entitled to custody, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such adult is mentally and/or physically deficient as herein defined and in need of residential care, treatment, training, or education: *Provided*, That if the superintendent deems the application should be made solely by a guardian, in such cases the application shall be made by the duly appointed, qualified, and acting guardian of such adult person: *Provided further*, That if the parents or other person or agency entitled to custody of an alleged mentally deficient person are without funds sufficient to defray the costs for the appointment of a guardian for such alleged mentally deficient person, then the prosecuting attorney of the county of the alleged mentally deficient person's residence, upon the presentation of satisfactory proof of such inability to pay the costs of guardianship, shall institute proceedings at the cost of the county for the appointment of a parent or other suitable person to act as guardian of the person of such alleged mentally deficient person in order to permit the making of application for the admission of such person to a state school.

(3) Persons admitted by voluntary application to state schools as in this section provided shall have equal status and the same priority in admission as minors committed under the following section.

Passed the Senate February 21, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 155.

[S. B. 349.]

STATE COLLEGES AND UNIVERSITIES—FACULTY
LEAVES.

AN ACT relating to the authorization of sabbatical and other leaves for faculty members of the University of Washington, State College of Washington, and the state colleges of education.

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

SECTION 1. The board of regents of the University of Washington, the board of regents of the State College of Washington, and the boards of trustees of the state colleges of education may grant sabbatical and other leaves to faculty members in accordance with regulations adopted by the respective governing boards and with such remunerations as the respective boards may prescribe.

Leaves authorized.

Passed the Senate March 7, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 156.

[S. B. 358.]

EGGS AND EGG PRODUCTS—DEALERS.

AN ACT relating to eggs and egg products; and repealing section 32, chapter 193, Laws of 1955 and RCW 69.24.440.

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

SECTION 1. Section 32, chapter 193, Laws of 1955 and RCW 69.24.440 are each repealed.

Repeal.

Passed the Senate February 27, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 157.

[H. B. 136.]

PORT DISTRICTS—LEASES.

AN ACT relating to Port Districts; providing for the leasing of certain real and personal property; and amending section 9, chapter 65, Laws of 1955 and RCW 53.08.080.

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

RCW 53.08.080 amended.

SECTION 1. Section 9, chapter 65, Laws of 1955 and RCW 53.08.080 are each amended to read as follows:

Lease of property—Performance bond.

A district may lease all lands, wharves, docks, and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: *Provided*, That no lease shall be for a period longer than fifty years, and each lease of real property shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to perform the terms of such lease: *Provided further*, That where the property involved is or is to be devoted to airport purposes and construction work and/or to the construction or maintenance of facilities for the comfort and accommodation of air travelers (but which facilities shall also be open to the general public) or the installation of new facilities is contemplated, the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: *Provided further*, That where the property is held by the district under lease from the United States Government or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions

thereof permitted by such United States lease, but in any event not to exceed ninety years: *Provided further*, That in a lease the term of which exceeds five years, and when at the option of the port commission it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commission shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

Passed the House February 17, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 158.

[Sub. H. B. 147.]

DUWAMISH AND GREEN RIVERS—BEDS AND SHORES.

AN ACT relating to certain beds and shores of the Duwamish and Green river and the bed and shores of a certain unnamed lake adjacent thereto; granting all right, title and interest of the state of Washington in and to certain of said beds and shores to the Port of Seattle, a municipal corporation of the state of Washington; providing for payment therefor; and asserting the ownership of the state of Washington to certain newly created beds and shores of said river.

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

SECTION 1. Whenever at any time and from time to time any of the following described real estate situated in the county of King, state of Washington:

Description.

That portion of the beds and shores of the channel of the Duwamish and Green river, as said channel might hereafter change from time to time by accretion, reliction or avulsion, up to and including the line of ordinary high tide where the tide ebbs and flows and the line of ordinary high water where there is no tidal flow, situated in Sections 3, 4, 9, 10, 11, 14, 15, 23, 24, 25, 26, 35 and 36, Township 23 North, Range 4 East, Willamette Meridian; shall cease to be a part of said channel by reason of any alterations or improvements hereafter made to said channel pursuant to the provisions of that certain comprehensive scheme of harbor improvements and industrial developments established June 20, 1957 by the Port of Seattle, a municipal corporation of the state of Washington, as said comprehensive scheme might be modified, amended or supplemented from time to time, then all right, title and interest of the state of Washington in and to so much of said real estate as shall so cease to be a part of said channel shall be and become the property of and is

Title passes
to Port of
Seattle.

hereby granted to and vested in said Port of Seattle, together with all right, title and interest of the state of Washington in and to the bed and shores of an unnamed lake situated within the northeast quarter of said section 23 and the northwest quarter of said section 24: *Provided, however,* That said Port of Seattle shall pay the state of Washington four thousand six hundred dollars for said real estate upon commencing work on such alterations or improvements, and the state of Washington hereby asserts its ownership to the beds and shores of any new channel of said river resulting from said alterations or improvements, up to and including the line of ordinary high tide where the tide ebbs and flows and the line of ordinary high water where there is no tidal flow.

Payment
requisite.

Passed the House February 19, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 159.

[H. B. 152.]

PORT DISTRICTS—BUDGETS.

AN ACT relating to port districts; providing for the adoption of budgets; and requiring certain hearings.

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

SECTION 1. On or before the 15th day of September of each year each port commission shall prepare a preliminary budget of the port district for the ensuing fiscal year showing the estimated expenditures and the anticipated available funds from which all expenditures are to be paid.

Preliminary
budgets to
be prepared.

Hearing—
Notice of.

SEC. 2. Following the preparation of the preliminary budget, the port commission shall publish a notice stating that the preliminary budget of the port district has been prepared and placed on file at the office of the port district; that a copy thereof may be obtained by any taxpayer at an address set forth in the notice; that the commission will meet at a date, hour and place set forth in the notice, such date to be not earlier than September 15th and not later than the first Tuesday following the first Monday in October, for the purpose of fixing and adopting the final budget of the port district for the ensuing year. The notice shall be published once each week for two consecutive weeks in a legal newspaper of the district, or if there is none, in any newspaper of general circulation in the county, the first publication to be not less than nine days nor more than twenty days prior to the date of the hearing.

Adopting
final
budget.

SEC. 3. On the day set by the notice provided for in section 2 of this act the commission shall meet at the place and hour designated for the purpose of a hearing on the budget and adoption of a final budget. Any person may present objections to the preliminary budget following which the commission shall, by resolution adopt a final budget.

Certified copy
of final
budget filed.

SEC. 4. It shall be the duty of the commissioners of port districts, for the purpose of levying port district taxes, to file with the clerk of the board of county commissioners on or before the Wednesday next following the first Monday in October in each year a certified copy of such final budget which shall specify the amounts to be raised by taxation on the assessed valuation of the property in the port district.

Supplemental
budgets au-
thorized.

SEC. 5. A port commission may adopt by resolution one or more supplemental budgets at any time during the fiscal year. Such supplemental

budget shall be adopted only after public hearing. Notice of such hearing shall be given by a single publication of notice of the date, place and hour of the hearing in a legal newspaper of the district, or if there is none, in any newspaper of general circulation in the county, the publication of such notice to be at least five days and not more than fifteen days prior to the hearing date.

SEC. 6. The fiscal year for a port district shall be the calendar year. Fiscal year.

SEC. 7. The provisions of this act shall constitute the exclusive requirement and authority for the preparation, adoption, certification and filing of port district budgets. Exclusive authority.

SEC. 8. Should any section or parts of sections of this act be declared unconstitutional it shall in no case affect the validity of other provisions of this act. Severability.

Passed the House February 18, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 160.

[H. B. 197.]

CITY STREETS AS PART OF STATE HIGHWAYS.

AN ACT relating to city and town streets that form a part of state highways; setting forth the method for establishing streets as part of the state highway system and for returning unnecessary streets to cities and towns; amending section 2, chapter 83, Laws of 1957 and RCW 47.24.010.

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

SECTION 1. Section 2, chapter 83, Laws of 1957 and RCW 47.24.010 are each amended to read as follows: RCW 47.24.010 amended.

Streets as
state high-
ways—Con-
struction and
maintenance.

The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify to the state auditor and to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: *Provided*, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some

time other than between the first and fifteenth of July of any year.

Passed the House January 30, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 161.

[H. B. 305.]

DOMESTIC ANIMAL DISEASES.

AN ACT relating to diseases of domestic animals; eliminating a requirement for inspectors; and amending section 11, chapter 165, Laws of 1927, as last amended by section 9, chapter 172, Laws of 1947 and RCW 16.40.010.

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

SECTION 1. Section 11, chapter 165, Laws of 1927, as last amended by section 9, chapter 172, Laws of 1947, and RCW 16.40.010 are each amended to read as follows:

RCW 16.40.010 amended.

The director of agriculture of the state shall cause all bovine animals within the state to be examined and tested for the presence or absence of tuberculosis and/or Bang's disease, and such other tests necessary to prevent the spread of communicable diseases among livestock. Such tests and examinations shall be made under the supervision of the director of agriculture by any duly authorized veterinary inspector of the department of agriculture, such tests to be made in such manner, and at such reasonable and seasonable times, and in such counties or localities as the director of agriculture may from time to time prescribe.

Tests required.

The giving of such tests and examinations shall commence immediately upon the taking effect of this act in any county or counties which the director

Petition
for tests.

Order
of tests.

of agriculture may select: *Provided, however,* That the owners of a majority of the bovine animals in any county, as shown by the last assessment roll in such county, may petition the director of agriculture to have the bovine animals in the county of their residence tested and examined forthwith, said petition to be filed with the county auditor in the county where such animals are located, and it shall be the duty of the county auditor of such county immediately upon the filing of such a petition to forward to the director of agriculture a certified copy of such petition. The director of agriculture upon receipt of the first petition so filed shall immediately cause the bovine animals in such county to be tested, and tuberculin and/or Bang's disease tests in other counties shall be made under the direction of the director of agriculture in the order in which said petitions are filed as herein provided except when in the opinion of the director of agriculture an emergency exists, by reason of the outbreak of contagious or infectious diseases of animals, and in such event all or any portion of the tests being conducted in the state may be suspended until such time as the director of agriculture shall decide that such emergency no longer exists, and in such event the testing and examinations herein mentioned shall be renewed.

In the event that no petition to have tuberculin and/or Bang's disease tests of bovine animals made is filed with the county auditor, as herein provided, or in the event that such tests, in the counties having petitioned for such tests, as herein prescribed, are completed, the director of agriculture shall designate in what counties or localities such tests shall be made.

Quarantine
of premises.

Whenever the owner of any untested bovine animal within the state refuses to have his bovine animal or animals tested then the director of agricul-

ture may order the premises or farm on which such untested animal or animals is harbored to be put in quarantine, so that no domestic animal shall be removed from or brought to the premises quarantined, and so that no products of the domestic animals on the premises so quarantined shall be removed from the said premises.

Every inspector and veterinarian of the department of agriculture making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state: *Provided*, That the veterinary inspectors of the United States bureau of animal industry, may be appointed by the director of agriculture to make such examinations and tuberculin tests as herein provided, and when so employed they shall act without compensation, and shall possess the same power and authority in this state as a veterinary inspector of the department of agriculture.

Inspectors,
veterinarians.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examinations and tests.

Owner
selecting
veterinarian
pays expense.

Passed the House February 16, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 162.

[H. B. 460.]

TOLL FACILITIES—ASSISTANCE BY LOCAL
AUTHORITIES.

AN ACT relating to toll bridges and toll facilities; and amending section 12, chapter 173, Laws of 1937 as last amended by section 1, chapter 166, Laws of 1955 and RCW 47.56.250.

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

RCW 47.56.250 amended.

SECTION 1. Section 12, chapter 173, Laws of 1937 as last amended by section 1, chapter 166, Laws of 1955 and RCW 47.56.250 are each amended to read as follows:

Contributions by political subdivisions.

Whenever a proposed toll bridge, toll road, toll tunnel or any other toll facility of any sort is to be constructed, any city, county or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the Washington state highway commission or the authority advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the commission or the authority advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the authority to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by

a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money, or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The authority may make such repayment to a city, county or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Repayment.

Passed the House February 27, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 163.

[H. B. 513.]

WASHINGTON STATE DAIRY PRODUCTS COMMISSION.

AN ACT relating to the Washington state dairy products commission; amending sections 3 and 4, chapter 219, Laws of 1939 and RCW 15.44.020, 15.44.030 and 15.44.040; amending section 9, chapter 219, Laws of 1939, as amended by section 1, chapter 185, Laws of 1949, and RCW 15.44.080 and 15.44.090; amending sections 8, 10, 11 and 12, chapter 219, Laws of 1939 and RCW 15.44.060, 15.44.100, 15.44.110 and 15.44.120; amending section 13, chapter 219, Laws of 1939, as amended by section 2, chapter 185, Laws of 1949 and RCW 15.44.130; and declaring an emergency.

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

SECTION 1. Sections 3 and 4, chapter 219, Laws of 1939 (heretofore divided, combined and codified

as RCW 15.44.020, 15.44.030 and 15.44.040) are divided and amended to read as set forth in sections 2 through 9 of this amendatory act.

RCW 15.44.020 amended. Commission —Members.

SEC. 2. (RCW 15.44.020) There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of seven practical producers of dairy products and the director of agriculture who shall be an ex officio member without vote. The governor shall appoint each producer member.

Member represents district.

SEC. 3. Each appointed commission member shall represent one of the following districts:

(1) District I, which shall include the counties of Pend Oreille, Spokane and Stevens;

(2) District II, which shall include the counties of Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Whitman and Walla Walla;

(3) District III, which shall include the counties of Benton, Klickitat and Yakima;

(4) District IV, which shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum;

(5) District V, which shall include the counties of King, Pierce and Snohomish;

(6) District VI, which shall include the counties of Island, San Juan, Skagit and Whatcom; and

(7) District VII, which shall include the counties of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston.

RCW 15.44.030 amended. Qualifications of member.

SEC. 4. (RCW 15.44.030) Each of the seven producer members of the commission shall:

(1) Be a citizen and resident of this state and the district which he represents; and

(2) Be and for the five years last preceding his appointment have been actually engaged in producing dairy products within this state. These

qualifications must continue during each member's term of office.

SEC. 5. The regular term of office of each producer member of the commission shall be three years. However, expiration of the term of the respective commission members first appointed after the effective date of this act shall be as follows:

Terms of members.

(1) District I, on December 1, 1961;
 (2) District II, III and IV on December 1, 1962;
 and

(3) District V, VI and VII on December 1, 1963.

The respective terms shall end on December 1 of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the governor, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

Vacancies.

SEC. 6. Dairymen in the respective districts shall recommend to the governor persons whom they deem desirable for appointment as commission members to represent their district for each ensuing term. To accomplish this the director of agriculture shall cause:

Recommendations for membership, procedure.

(1) A public meeting of dairymen residing in the district concerned to be held within that district not more than sixty days nor less than thirty days before the expiration date of each term of each commission member; and

(2) Notice of the time, place and purpose of such meeting to be published at least three times in a newspaper or newspapers of general circulation in the district, and by such other means as the director shall determine to be necessary to give reasonable notice of the meeting to dairymen in the particular district.

The notice shall also be mailed to the associations of dairymen that are known to have members in the

particular district not less than thirty days prior to the meeting. The costs of the publication of the notices and meeting shall be paid by the commission.

Public meeting—Qualifications to participate in.

SEC. 7. Each meeting shall be held as near the geographical center of the particular district as is reasonably commensurate with available facilities, and the director of agriculture or his duly authorized representative shall act as chairman. Every dairyman shall be entitled to participate and nominate a candidate for membership on the commission upon satisfying the director on the basis of credible evidence that he resides in the district and has, within the sixty days preceding the meeting, produced milk or farm separated cream upon which the assessment provided for in section 11 of this amendatory act was paid or is payable. Those attending each meeting shall recommend to the governor at least three persons for the position of commission member.

Commission quorum—Compensation and expenses.

SEC. 8. A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed twenty dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

RCW 15.44.040 amended. Copies as evidence.

SEC. 9. (RCW 15.44.040) Copies of the proceedings, records and acts of the commission, when certified by the secretary, shall be admissible in any court and be prima facie evidence of the truth of the statements therein contained.

SEC. 10. Section 9, chapter 219, Laws of 1939, as amended by section 1, chapter 185, Laws of 1949

(heretofore divided and codified as RCW 15.44.080 and 15.44.090) are each amended to read as set forth in sections 11 and 12 of this amendatory act.

SEC. 11. (RCW 15.44.080) There is hereby levied upon all milk and cream produced in this state an assessment not to exceed:

RCW 15.44.080 amended. Annual assessments by commission—Limit.

(1) Three-fourths of one cent per pound butter fat of wholly or partially farm separated cream; and

(2) Three cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission. This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

SEC. 12. (RCW 15.44.090) All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner prescribed for the collection of delinquent taxes.

RCW 15.44.090 enacted without amendment.

RCW 15.44.060
amended.Powers and
duties of
commission.

SEC. 13. Section 8, chapter 219, Laws of 1939 and RCW 15.44.060 are each amended to read as follows:

The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

SEC. 14. Section 10, chapter 219, Laws of 1939 and RCW 15.44.100 are each amended to read as follows:

RCW 15.44.100 amended.

Each dealer or shipper shall keep a complete and accurate record of all milk or cream handled by him. The record shall be in such form and contain such information as the commission shall prescribe, and shall be preserved for a period of two years, and be submitted for inspection at any time upon request of the commission or its agent.

Dealer, shipper, records preserved for inspection.

SEC. 15. Section 11, chapter 219, Laws of 1939 and RCW 15.44.110 are each amended to read as follows:

RCW 15.44.110 amended.

Each dealer and shipper shall at such times as by rule or regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, delivered, and shipped, and the quantity of all milk and cream delivered to or purchased by such person from the various producers of dairy products or their agents in the state during the period or periods prescribed by the commission.

Reports to director.

SEC. 16. Section 12, chapter 219, Laws of 1939 and RCW 15.44.120 are each amended to read as follows:

RCW 15.44.120 amended.

No milk or cream may be carried or shipped until the assessment thereon has been collected by the first dealer and receipt issued. All assessments shall be due and payable on milk or cream before it is shipped out of the state.

Payment of assessment before shipment.

The commission shall prescribe the method of collection, and for that purpose may require stamps, to be known as dairy products advertising stamps, to be purchased from the commission and attached to the containers, invoices or shipping documents of all milk and cream shipped from the state. The stamps shall be immediately canceled by the dealer

upon being so attached, and date of cancellation shall be placed thereon.

RCW 15.44.130
amended.

SEC. 17. Section 13, chapter 219, Laws of 1939, as amended by section 2, chapter 185, Laws of 1949 and RCW 15.44.130 are each amended to read as follows:

Advertising,
research,
campaign.

(1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to make such advertising and marketing research and development as extensive as public interest and necessity require, and to put into force and effect the policy of this chapter, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

Adjustment
of assess-
ment.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from the maximum assessment provided for in section 11 of this amendatory act is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to ef-

fectuate the purposes hereof, but in no case shall any assessment exceed the amount provided in section 11 of this amendatory act: *Provided*, That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.

SEC. 18. This act is necessary for the preservation of public peace, health and welfare, the support of state government and its existing public institutions, and sections 8, 9, 11, 12, 14, 15, 16 and 17 shall take effect immediately. Sections 2 through 7, and 13 shall take effect December 1, 1959.

Emergency
—Effective
date.

Passed the House February 23, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 164.

[H. B. 633.]

SHORELANDS IN SEATTLE.

AN ACT relating to certain shorelands in the city of Seattle; amending section 3, chapter 60, Laws of 1939 (uncodified); and amending section 4, chapter 45, Laws of 1947 and RCW 28.77.330.

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

SECTION 1. Section 3, chapter 60, Laws of 1939 (uncodified) is hereby amended to read as follows:

1939 c 60 § 3
amended.

All of the shorelands described in section 1 of this act are hereby granted to the University of Washington to be used for arboretum and botanical garden purposes and for no other purposes. In case the said University of Washington should attempt to use or permit the use of said shorelands or any

Shorelands
granted.

Reconveyance
authorized.

portion thereof for any other purpose, the same shall forthwith revert to the state of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same: *Provided*, That the board of regents of the University of Washington is hereby authorized and directed to reconvey to the state of Washington blocks 16 and 17 of Lake Washington shorelands, or such portions thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same.

RCW 28.77.330
amended.

SEC. 2. Section 4, chapter 45, Laws of 1947 and RCW 28.77.330 are each amended to read as follows:

Reverter
of land for
nonarbore-
tum use.

In case the University of Washington should attempt to use or permit the use of such shorelands or any portion thereof for any other purpose than for arboretum and botanical garden purposes, except as provided in RCW 28.77.320, the same shall forthwith revert to the state of Washington without suit, action, or any proceedings whatsoever or the judgment of any court forfeiting the same: *Provided*,

Reconveyance
authorized.

That the board of regents of the University of Washington is hereby authorized and directed to reconvey to the state of Washington block eleven-A (11-A) of the supplemental map of Lake Washington shorelands, filed September 5, 1916 in the office of the commissioner of public lands, or such portion thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof

and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same.

SEC. 3. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares it would have enacted this act if such section, subsection, clause, sentence or phrase were omitted. Severability.

Passed the House March 2, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 165.

[H. B. 459.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies, removing restrictions on loans to directors; amending section 30.12.060, chapter 33, Laws of 1955 and RCW 30.12.060.

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

SECTION 1. Section 30.12.060, chapter 33, Laws of 1955, and RCW 30.12.060 are each amended to read as follows: RCW 30.12.060 amended.

Any bank or trust company shall be permitted to make loans to any employee of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any employee to any other person, to the same extent as if the employee were in no way connected with the corporation. Any bank or trust company shall be permitted to make loans to any officer of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any officer to any other person: *Provided*, That the total value Loans to officers or employees.

Loans to
officers or
employees.

of the loans made and obligation acquired for any one officer shall not exceed twenty-five hundred dollars: *And provided further*, That no such loan shall be made, or obligation acquired, unless a resolution authorizing the same shall be adopted by a vote of a majority of the board of directors of such corporation, at a meeting of the board of directors of such corporation held within thirty days next prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes. No loan shall be made by any bank or trust company to any director of such corporation, nor shall the note or obligation of such director be discounted by any such corporation, or by any officer or employee thereof in its behalf, unless a resolution authorizing the same shall be adopted by a vote of a majority of the entire board of directors of such corporation exclusive of the vote of such interested director, at a meeting of the board of directors of such corporation held within ninety days next prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes.

Each bank or trust company shall at such times and in such form as may be required by the supervisor, report to the supervisor all outstanding loans to directors of such bank or trust company.

The amount of any endorsement or agreement of suretyship or guaranty of any such director to the corporation shall be construed to be a loan within the provisions of this section. Any modification of the terms of an existing obligation (excepting only such modifications as merely extend or renew the indebtedness) shall be construed to be a loan within the meaning of this section.

Passed the House February 21, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 166.

[H. B. 169.]

MOTOR VEHICLES—OWNERSHIP CERTIFICATES—
DEALERS' LICENSES.

AN ACT relating to motor vehicles; providing for the issuance of certificates of ownership and registration; regulating the licensing of motor vehicle dealers; amending section 4, chapter 188, Laws of 1937, as amended by section 2, chapter 164, Laws of 1947, and RCW 46.12.050; amending section 5, chapter 188, Laws of 1937, as last amended by section 3, chapter 164, Laws of 1947 and sections 2 and 3, chapter 269, Laws of 1951, and RCW 46.12.060, 46.12.070, 46.12.080, 46.12-.090; amending section 6, chapter 188, Laws of 1937, as last amended by section 4, chapter 164, Laws of 1947 and sections 1 and 2, chapter 252, Laws of 1953, and RCW 46.12.100, 46.12.110, 46.12.120, 46.12.130, 46.12.140, 46.12.150 and 46.12-.160; amending sections 2, 5, 6, 7 and 8, chapter 150, Laws of 1951 and RCW 46.70.010, 46.70.040, 46.70.050, 46.70.060 and 46.70.070; amending section 13, chapter 150, Laws of 1951, as amended by section 20, chapter 273, Laws of 1957, and RCW 46.70.100; and adding a new section to chapter 46.70 RCW.

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

SECTION 1. Section 4, chapter 188, Laws of 1937, as amended by section 2, chapter 164, Laws of 1947, and RCW 46.12.050 are each amended to read as follows:

RCW 46.12.050
amended.

The director, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in his name, shall thereupon issue an appropriate certificate of ownership, over his signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Issuance of
certificate
—Contents.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of issue, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner

and legal owner, the motor number or proper identification number, if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer, and such other description of the vehicle and facts as the director shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

The reverse side of the certificate of ownership only shall contain forms for assignment and notice to the director of a transfer of the ownership or interest of the registered owner and legal owner. A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the director shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

SEC. 2. Section 5, chapter 188, Laws of 1937, as last amended by section 3, chapter 164, Laws of 1947 and sections 2 and 3, chapter 269, Laws of 1951 (heretofore divided and codified as RCW 46.12.060, 46.12.070, 46.12.080 and 46.12.090) is divided and amended to read as set forth in sections 3, 4, 5 and 6 of this act.

SEC. 3. (RCW 46.12.060) Before the director shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the motor number of which, in case of a motor vehicle, or the serial number of which, in case of a trailer, has been altered, removed, obliterated, defaced, omitted, or is

RCW 46.12.060
enacted
without
amendment.

otherwise absent, the registered owner of the vehicle shall file an application with the director, accompanied by a fee of one dollar, upon a form provided, and containing such facts and information as shall be required by the director for the assignment of a special number for such vehicle. Upon receipt of such application, the director, if he is satisfied the applicant is entitled to the assignment of a motor number, identification number, or serial number, shall designate a special motor number, identification number, or serial number, as the case may be, together with a symbol indicative of this state, for such vehicle, which symbol followed by such number shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director. The applicant for such assignment of number shall be, in case of a motor vehicle, promptly notified of the number assigned and the symbol to be prefixed thereto, and such applicant shall thereupon cause such symbol and motor number to be pressed or cut in a conspicuous position upon the motor, if the assigned number is a motor number, or frame or other permanent part of the motor vehicle, if the number assigned is an identification number. The applicant for such assignment of number shall be, in case of a trailer, assigned a proper identification number which shall be placed or stamped in a conspicuous position upon the outside of the trailer in such manner and form as may be prescribed by the director. Upon receipt by the director of a certificate by an officer of the Washington state patrol, or other person authorized by the director, that he has inspected such vehicle and that the motor number, or identification number, together with the symbol so assigned, or the special serial number plate, have been legally pressed or cut in a conspicuous position upon the motor or upon

the most permanent part of the motor vehicle most readily accessible for inspection, or stamped or securely attached in a conspicuous position upon the outside of the trailer, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the director shall use such number and such symbol as the numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership he may thereafter issue therefor.

RCW 46.12.070 amended. Surrender on destruction of vehicle.

SEC. 4. (RCW 46.12.070) Upon the destruction of any vehicle covered by certificates of license registration and ownership, the registered owner and the legal owner shall forthwith and within five days thereafter forward and surrender such certificate, together with the vehicle license plates therefor if available, to the director, together with a statement of the reason for such surrender and the time and place of destruction. Failure to notify the director or the possession by any person of any such certificate for a vehicle so destroyed, after five days following its destruction, shall be prima facie evidence of violation of the provisions of this chapter and shall constitute a gross misdemeanor.

Failure, gross misdemeanor.

Any insurance company settling any insurance claim on any such vehicle as a total loss, less salvage, shall notify the director thereof within five days after the settlement of any such claim under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state.

RCW 46.12.080 amended. Procedure on installing new motor.

SEC. 5. (RCW 46.12.080) Any person holding the certificate of license registration for a vehicle in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward

and surrender such certificates to the director, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates for a vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

Possession
of certificate,
misdemeanor.

SEC. 6. (RCW 46.12.090) Whenever the motor or motor block carrying the identification number is removed from any motor vehicle and the vehicle has not been destroyed or dismantled in such a manner as to come under the provisions of RCW 46.12.070, and there has been issued and is outstanding a certificate of ownership for such vehicle, the registered owner or vehicle dealer having possession of the vehicle shall, within a period of five days after the removal thereof, notify the director in writing on forms to be prescribed by the director and furnished for that purpose, giving the description of the vehicle from which such motor or motor block has been removed, the date of the removal thereof, and the name and address of the purchaser or holder thereof, or in the event the motor or motor block is not in a condition to be used in a motor vehicle, the disposition made thereof. It shall be unlawful for any dealer or registered owner to fail, neglect, or refuse to comply with the provisions of this section.

RCW 46.12.090
enacted
without
amendment.

SEC. 7. Section 6, chapter 188, Laws of 1937, as last amended by section 4, chapter 164, Laws of 1947 and sections 1 and 2, chapter 252, Laws of 1953 (heretofore divided and codified as RCW 46.12.100, 46.12.110, 46.12.120, 46.12.130, 46.12.140, 46.12.150

and 46.12.160) is divided and amended as set forth in sections 8, 9, 10, 11, 12, 13 and 14 below.

RCW 46.12.100
enacted
without
amendment.

SEC. 8. (RCW 46.12.100) In the event of the sale or other transfer to a new registered owner of any vehicle for which a certificate of ownership and a certificate of license registration have been issued, the registered and legal owners shall endorse upon the back of the certificate of ownership an assignment thereof in form printed thereon, and shall record thereon name of purchaser and date of transaction and shall deliver the same to the purchaser or transferee at the time of the delivery to him of the vehicle. Delivery of a certificate of title to a purchaser or his agent without at the same time recording the name of the purchaser and the date of the transaction on the assignment form shall constitute a misdemeanor.

RCW 46.12.110
enacted
without
amendment.

SEC. 9. (RCW 46.12.110) The purchaser or transferee, unless such person is a dealer, shall within fifteen days thereafter apply to the director or his duly authorized agent for the reissue of such certificate of ownership and transfer of license registration. Such application shall be made on forms prescribed by the director and accompanied by a fee of one dollar. Upon receipt of such application, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the director shall, if the application is in order and if all provisions relating to certificates of ownership and license registration have been complied with, issue a new certificate of ownership and new certificate of license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund. If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery

of the vehicle to him he shall be guilty of a misdemeanor and in addition thereto he shall on making application for transfer be assessed a five dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: *Provided*, That the penalty shall not apply to a registered dealer who has purchased the vehicle for the purpose of resale.

SEC. 10. (RCW 46.12.120) If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, and showing any lienholder holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration.

RCW 46.12.120
amended.
Duty when
transferee
is dealer.

SEC. 11. (RCW 46.12.130) Certificates of ownership when assigned and returned to the director, together with subsequently assigned reissues thereof, shall be retained by the director and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein.

RCW 46.12.130
enacted
without
amendment.

When the ownership of a vehicle passes by operation of law, the person thus acquiring ownership shall upon furnishing satisfactory proof to the director of his ownership, procure the issuance of a certificate of ownership to the vehicle, regardless of whether a certificate of ownership has ever been issued: *Provided*, That in all cases of application for the reissue of certificates of ownership or certificates of license registration, or either, by reason of transfer of legal ownership or registered ownership by

operation of law, the director shall give written notice thereof to both the legal owner and registered owner, by mail, postage prepaid, at his or their last given address, which notice shall require the surrender of certificates of ownership or license registration, or both, within ten days from the date of posting the letter. In the event that the certificates, or either of them, have not been surrendered to the director within ten days from and after the date of posting the letter, the certificates or either of them shall become void and the director shall pass upon the application without regard for the outstanding certificates or either of them, unless restrained from so doing.

RCW 46.12.140
enacted
without
amendment.

SEC. 12. (RCW 46.12.140) In the case of dealers in vehicles, including manufacturers who sell to persons other than dealers, a separate certificate of ownership, either of the dealer's immediate vendor properly assigned or of the dealer himself, shall be required covering each used vehicle kept in his possession.

RCW 46.12.150
enacted
without
amendment.

SEC. 13. (RCW 46.12.150) Whenever application is made to the director by a new legal or registered owner of a vehicle and the applicant is unable to present the certificate of ownership or license registration previously issued for the vehicle by reason of its being unlawfully withheld by one in possession or otherwise not available, the director may receive such application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the director is satisfied that the applicant is entitled thereto he may transfer the vehicle or reregister it and issue new certificates for the vehicle to the person found to be entitled thereto, if the required fee has been previously paid to the director.

SEC. 14. (RCW 46.12.160) If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or by registered mail. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

RCW 46.12.160
enacted
without
amendment.

SEC. 15. Section 2, chapter 150, Laws of 1951 and RCW 46.70.010 are each amended to read as follows:

RCW 46.70.010
amended.

“Dealer” as defined in this title shall mean any person in the business of buying, selling, exchanging or acting as a broker of new or used motor vehicles, trailers, or motorcycles, with an established place of business actually occupied for the purpose of conducting business, at which is kept and maintained the books, records and files of the business.

“Dealer”
defined.

The place of business shall have an office and display area and shall be identified by a sign. The place of business shall be open to inspection of pertinent records and vehicles by any representative of the department during business hours by consent of dealer.

SEC. 16. Section 5, chapter 150, Laws of 1951 and RCW 46.70.040 are each amended to read as follows:

RCW 46.70.040
amended.
Application
—Contents.

Applications for a dealer’s license shall be made upon the form prescribed by the department and shall contain:

(1) The name under which the business is to be conducted and the address of its established place of business;

(2) The name and address of owner, or if partnership, name and address of each partner. If owner is a corporation, the names of principal officers and their addresses, and if the corporation is not incorporated under the laws of this state, the name of the state in which it is incorporated, and the name of its resident officers;

(3) The make of vehicles for which enfranchised, if any;

(4) Whether or not used vehicles will be sold;

(5) A certificate to the effect that the applicant is a bona fide dealer as defined in this chapter having an established place of business at the address shown on the application and that the books, records, and files of the business are kept thereat, which certificate shall be signed by the chief of police or his deputy in cities having a population of five thousand persons or more, otherwise by a member of the Washington state patrol;

(6) A recommendation endorsed on the application by two freeholders of the county in which the applicant desires to carry on his principal place of business, certifying that they are acquainted with the applicant, and that they believe the applicant to be honest, truthful, and of good moral character;

(7) Whether or not a previous dealer's license has been denied, suspended, or revoked; and

(8) Such other information as may be required by the department.

Every such application shall be accompanied by the fee required by law.

SEC. 17. Section 6, chapter 150, Laws of 1951 and RCW 46.70.050 are each amended to read as follows:

Upon receiving an application for dealer's license, the director may make an independent investigation

RCW 46.70.050 amended.

License—
issuance,
expiration,
renewal.

relative to the statements contained in the application and shall, if such application is in proper form and accompanied by a proper fee, retain the application and transmit the fee to the state treasurer with a proper identifying report, such fee to be deposited in the motor vehicle fund. If the director is satisfied that the applicant has complied with the provisions of this chapter and is entitled to a dealer's license, he shall issue an official certificate authorizing the dealer named thereon to carry on and conduct the business of an automobile dealer in motor vehicles, or a miscellaneous dealer in trailers and motorcycles. Every license so issued shall expire on December 31st, and may be renewed by filing a proper application and paying the fees therefor.

SEC. 18. Section 7, chapter 150, Laws of 1951 and RCW 46.70.060 are each amended to read as follows:

RCW 46.70.060
amended.

The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Automobile dealers, fifty dollars; miscellaneous dealers, twenty-five dollars, which shall include one set of dealer license plates, and which may be renewed annually for a fee of twenty dollars for automobile dealers and for a fee of ten dollars for miscellaneous dealers: *Provided*, That any dealer who is otherwise eligible and during the year 1958 has obtained a dealer's license shall be permitted to obtain a renewal of license and pay therefor the renewal fee as herein provided. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set. If any dealer shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director of licenses, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees pre-

License fee
—Dealer's
plates.

Penalty upon
failure to
renew.

scribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

RCW 46.70.070 amended.

SEC. 19. Section 8, chapter 150, Laws of 1951 and RCW 46.70.070 are each amended to read as follows:

Bond required.

Before issuing a dealer license, the director shall require the applicant to file with said director a surety bond in the amount of ten thousand dollars for automobile dealers and two thousand dollars for miscellaneous dealers running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the director shall revoke the license of the dealer.

RCW 46.70.100 amended.

SEC. 20. Section 13, chapter 150, Laws of 1951, as amended by section 20, chapter 273, Laws of 1957, and RCW 46.70.100 are each amended to read as follows:

Refusal, suspension, revocation of license—
Grounds.

The director may refuse to issue a dealer license, or may suspend or revoke a dealer license whenever he has reason to believe that such dealer has:

- (1) Forged the signature of the registered or legal owner on a certificate of title;
- (2) Sold or disposed of a vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material facts in the applications for a vehicle dealer's license, certificate of registration or certificate of title;

(4) Wilfully failed to deliver to a purchaser a certificate of title to the car sold; and/or

(5) Suffered or permitted the cancellation of the bond or the exhaustion of the penalty thereof;

(6) Been convicted of, or has suffered a judgment to be taken against him, in any action in which fraud or misrepresentation is an element;

(7) Failed to comply with the requirements of chapter 46.70 RCW with reference to notices, or reports of transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the certificate or registration plates.

SEC. 21. There is added to chapter 46.70 RCW a New section. new section to read as follows:

The director may make any reasonable rules and Rules and regulations. regulations not inconsistent with the provisions of chapter 46.70 RCW relating to the enforcement and proper operation thereof.

Passed the House February 27, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 167.

[H. B. 203.]

LIMITED ACCESS HIGHWAY FACILITIES.

AN ACT relating to limited access highway facilities, defining certain violations thereof and providing penalties for such violations; amending section 11, chapter 202, Laws of 1947 and RCW 47.52.120 and declaring emergency.

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

RCW 47.52.120 amended.

SECTION 1. Section 11, chapter 202, Laws of 1947 and RCW 47.52.120 are each amended to read as follows:

Violations specified.

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: *Provided*, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, or to vehicles stopped for emergency causes

or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to said facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained herein shall prevent the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

Violation,
misdemeanor.

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

Emergency.

Passed the House March 9, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 168.

[H. B. 216.]

TIDELANDS AND SHORELANDS ALONG PACIFIC OCEAN.

AN Act relating to the tidelands and shorelands along the shore and beach of the Pacific ocean from the mouth of the Queets river north to Cape Flattery; and amending sections 2 and 3, chapter 54, Laws of 1935 and RCW 79.16.140 and 79.16-.150.

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

RCW 79.16.140 amended.

SECTION 1. Section 2, chapter 54, Laws of 1935 and RCW 79.16.140 are each amended to read as follows:

Reservation from sale or lease.

No part of the tidelands along the said shore and beach shall ever be sold or otherwise disposed of, or leased for any purpose other than the extraction of petroleum, gas or minerals.

RCW 79.16.150 amended.

SEC. 2. Section 3, chapter 54, Laws of 1935 and RCW 79.16.150 are each amended to read as follows:

Lease not to be extended.

No leases, except those issued for extraction of petroleum, gas or minerals, now existing on or for any part or parts of said tidelands along said shore and beach shall be renewed or extended.

Passed the House March 2, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 169.

[H. B. 223.]

SCHOOL DISTRICTS—SCHOOLHOUSES, TEACHERS'
COTTAGES, ETC.

AN ACT relating to second and third class school districts; adding two sections to chapter 28.63 RCW; and repealing section 9, page 300, Laws of 1909, as last amended by section 1, chapter 289, Laws of 1927, and section 13, page 303, Laws of 1909, as last amended by section 2, chapter 289, Laws of 1927, and RCW 28.63.180.

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

SECTION 1. There is added to chapter 28.63 RCW a new section to read as follows: New section.

The board of directors of a second class school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so. The board of directors of a second class school district may purchase real property for any school district purpose: *Provided*, That a schoolhouse, or other building, already built on a site which has been selected by a majority vote of the district shall not be removed to a new site without a two-thirds vote of the district at a regular or special election; nor shall a schoolhouse site that has been selected by a majority vote of the district, but upon which no schoolhouse has been built, be changed except by a two-thirds vote of the district voting at a regular or special election. Building, purchasing, authorized, second class districts.

SEC. 2. There is added to chapter 28.63 RCW a new section to read as follows: New section.

The board of directors of a third class school district shall build schoolhouses and teachers' cottages and purchase real property when directed by a vote of the district to do so: *Provided*, That if a third class school district owns a schoolhouse on a site owned by the district, the board by unanimous vote of all members thereof may purchase or lease ad- Building, purchasing, authorized, third class districts.

ditional real estate contiguous to such site without a vote of the district: *Provided further*, That a schoolhouse or other building already built on a site which has been selected by a majority vote of the district shall not be removed to a new site without a two-thirds vote of the district at a regular or special election; nor shall a schoolhouse site that has been selected by a majority vote of the district, but upon which no schoolhouse has been built, be changed except by a two-thirds vote of the district voting at a regular or special election.

Repeal.

SEC. 3. Section 9, page 300, Laws of 1909, as last amended by section 1, chapter 289, Laws of 1927, and section 13, page 303, Laws of 1909, as last amended by section 2, chapter 289, Laws of 1927, and RCW 28.63.180 are each repealed.

Passed the House February 13, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 170.

[H. B. 228.]

UNEMPLOYMENT COMPENSATION—FUNDS.

AN ACT relating to the use of money credited to the account of the state of Washington in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended; and amending section 60, chapter 35, Laws of 1945, as amended by section 2, chapter 286, Laws of 1955 and RCW 50.16.010; section 62, chapter 35, Laws of 1945 and RCW 50.16.030; section 64, chapter 35, Laws of 1945, as amended by section 13, chapter 215, Laws of 1947 and RCW 50.16.050; and section 67, chapter 35, Laws of 1945 and RCW 50.16.060.

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

RCW 50.16.010
amended.

SECTION 1. Section 60, chapter 35, Laws of 1945, as amended by section 2, chapter 286, Laws of 1955

and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state, an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01-.050 shall not be applicable. The unemployment compensation fund shall consist of

Unemployment compensation fund—Administrative contingency fund.

(1) all contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) 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,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended, and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the fund. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred

to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

RCW 50.16.030
amended.

Withdrawals
from federal
unemployment
trust
fund.

SEC. 2. Section 62, chapter 35, Laws of 1945 and RCW 50.16.030 are each amended to read as follows:

(1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). 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.

(2) 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.

(3) 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.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than

Withdrawals
from federal
unemployment
trust fund.

two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the fourth preceding such period: *Provided*, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of ex-

penses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

SEC. 3. Section 64, chapter 35, Laws of 1945, as amended by section 13, chapter 215, Laws of 1947 and RCW 50.16.050 are each amended to read as follows:

RCW 50.16.050
amended.

There is hereby established a 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 title, and for no other purpose whatsoever. All moneys received from the United States of America, or any agency thereof, for said purpose 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 secretary of labor for the proper and efficient administration of this title. All moneys received from the United States employment service, United States department of labor, for said purpose pursuant to the act of congress approved June 6, 1933, as amended or supplemented by any other act of congress, shall be expended solely for the purposes and in the amounts found necessary by the secretary of labor for the proper and efficient administration

Unemploy-
ment compen-
sation admin-
istration fund.

of the public employment office system of this state. The unemployment compensation administration fund shall consist of all moneys received from the United States of America or any department or agency thereof, or from any other source, for such purpose. 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 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. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund pursuant to RCW 50.16.030(6) shall remain part of the unemployment compensation fund and shall be used only in accordance with the conditions specified in RCW 50.16.030 (4), (5) and (6).

RCW 50.16.060
amended.

Replacement
of federal
funds.

SEC. 4. Section 67, chapter 35, Laws of 1945 and RCW 50.16.060 are each amended to read as follows:

The state of Washington hereby pledges that it will replace within a reasonable time any moneys paid to this state under Title III of the social security act, and the Wagner-Peyser act, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the secretary of labor for the proper administration of the Washington employment security act.

Passed the House February 18, 1959,

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 171.

[H. B. 333.]

SCHOOL ENROLLMENT FORECASTS.

AN ACT relating to school enrollment forecasts by the state census board; amending section 1, chapter 229, Laws of 1957 and RCW 43.62.050.

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

SECTION 1. Section 1, chapter 229, Laws of 1957 and RCW 43.62.050 are each amended to read as follows:

RCW 43.62.050 amended.

The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor and to the legislative budget committee on or before the fifteenth day of November of each even numbered year.

Student enrollment forecasts —Report.

Passed the House February 21, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 172.

[H. B. 334.]

CIGARETTE FEE ACCOUNT—TRANSFER TO GENERAL FUND.

AN ACT relating to the unfair cigarette sales act; amending section 19, chapter 286, Laws of 1957 and RCW 19.91.190; and providing an effective date.

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

RCW 19.91.190 amended.

SECTION 1. Section 19, chapter 286, Laws of 1957 and RCW 19.91.190 are each amended to read as follows:

Cigarette fee account—Use.

All fees and penalties received or collected by the commission pursuant to the provisions of this chapter shall be paid to the state treasurer, to be credited to the general fund.

Transfer of account.

SEC. 2. On July 1, 1959, the tax commission shall transfer to the state general fund any unexpended balance remaining in the cigarette fee account.

Warrants paid from general fund.

SEC. 3. From and after July 1, 1959, all warrants drawn upon the cigarette fee account and not heretofore presented for payment shall be paid from the general fund.

Effective date.

SEC. 4. The effective date of this act is July 1, 1959.

Passed the House February 17, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 173.

[H. B. 447.]

LABOR LIENS—HOTEL, RESTAURANT, TAVERN
EMPLOYEES.

AN ACT relating to liens for labor of hotel employees and others,
amending section 4, chapter 205, Laws of 1953, and RCW
60.34.040.

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

SECTION 1. Section 4, chapter 205, Laws of 1953
and RCW 60.34.040 are each amended to read as
follows:

RCW 60.34.040
amended.

The lien may be enforced within the same time
and in the same manner as mechanics' liens are fore-
closed, when said lien is upon real property, or in
the same manner as chattel liens are enforced when
the lien is upon personal property. The court may
allow as part of the costs of the action the money
paid for filing or recording the claim and a reason-
able attorney fee.

Manner of
enforcing
liens.

Passed the House February 18, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 174.

[H. B. 454.]

APIARIES.

AN ACT relating to apiaries; and amending section 6, chapter 271,
Laws of 1955 and RCW 15.60.040.

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

SECTION 1. Section 6, chapter 271, Laws of 1955
and RCW 15.60.040 are each amended to read as
follows:

RCW 15.60.040
amended.

**Inspection—
Eradication
of disease—
Quarantine.**

(1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey and wax, and by burying the ashes and disinfecting the hive by means approved by the director.

(4) Any apiary which is found to be infected with American foul brood and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists. During the quarantine period, no bees, honey, appliances, equipment, or other ma-

terials may be removed from the apiary without first procuring a permit from the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

Passed the House February 23, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 175.

[H. B. 485.]

PORT DISTRICT OFFICERS AND ELECTIONS.

AN ACT relating to port district officers and elections; amending sections 4, 7, 8, and 10, chapter 17, Laws of 1959 and RCW 53.12.020, 53.12.040, 53.12.120, and 53.12.150; amending sections 3 and 4, chapter 69, Laws of 1951 and RCW 53.12.044 and 53.12.046; amending section 3, chapter 62, Laws of 1913, as amended by section 1, chapter 204, Laws of 1927, and RCW 53.12.060; amending section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951, and RCW 29.21.060; adding two new sections to chapter 53.12 RCW; repealing section 2, chapter 39, Laws of 1921, as amended by section 1, chapter 69, Laws of 1951, and RCW 53.12.030; and declaring an emergency.

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

SECTION 1. Section 4, chapter 17, Laws of 1959 and RCW 53.12.020 are each amended to read as follows:

RCW 53.12.020 amended.

No person shall be eligible to hold the office of port commissioner unless he is a qualified voter of the commissioner district from which he is elected: *Provided*, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120.

Port commissioner—Qualifications.

SEC. 2. Section 7, chapter 17, Laws of 1959 and RCW 53.12.040 are each amended to read as follows:

RCW 53.12.040 amended.

Declarations of candidacy.

Port commissioners shall file declarations of candidacy with the county auditor in which the port district is located for the commissioner district in which the candidate is a resident.

RCW 53.12.120 amended.

SEC. 3. Section 10, chapter 17, Laws of 1959 and RCW 53.12.120 are each amended to read as follows:

Additional commissioners when population increase.

In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after June 11, 1953, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of one commissioner from each of the three commissioner districts, and two commissioners elected at large. The two commissioners at large must be residents of the district and shall be nominated and elected at the same time and in the same manner as the other commissioners, except that they shall be designated on their declarations of candidacy and on the ballots as commissioners at large.

Commissioners at large.

If the proposition is carried by a majority vote, then five days after the election the commission shall consist of five members.

RCW 53.12.044 amended.

SEC. 4. Section 3, chapter 69, Laws of 1951 and RCW 53.12.044 are each amended to read as follows:

Filing declarations of candidacy.

In all port districts, except port districts in class AA and class A counties, declarations of candidacy shall be filed with the county auditor not more than sixty nor less than forty-five days prior to the date of the election; declarations of candidacy for an election for the formation of a port district shall be filed

with the county auditor not more than sixty nor less than twenty days prior to such election.

SEC. 5. Section 4, chapter 69, Laws of 1951 and RCW 53.12.046 are each amended to read as follows:

RCW 53.12.046
amended.

Any candidate for the office of port commissioner may file notice of withdrawal of his candidacy with the county auditor within five days after the last day for filing declarations of candidacy, whereupon his declaration of candidacy shall be void.

Candidacy
withdrawal
filed.

SEC. 6. Section 3, chapter 62, Laws of 1913, as amended by section 1, chapter 204, Laws of 1927 and RCW 53.12.060 are each amended to read as follows:

RCW 53.12.060
amended.

A general election shall be held in conjunction with county elections for the election of a port commissioner or commissioners and for the submission of propositions, and special elections shall be held at such times and for such propositions as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of this act.

Elections.

There shall be not less than one polling place in each of the various wards of any incorporated city within such port district, and one polling place within each precinct of each port district not within the limits of any incorporated city: *Provided*, That the commissioners of any port district having a population of less than two hundred and fifty registered voters, may, by resolution, provide that all elections of said district be held at one central polling place to be designated by them. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent elections, to, at least twenty days before each election, designate the polling places and appoint three election officers for each place of voting. At all elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every

case the polls shall be open between one o'clock p. m. and eight o'clock p. m. All electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.

Officers of the city and county having charge of the registration books of any city or precinct in a port district shall deliver the same for the use of the election officers at all port elections. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, such books shall be delivered to the port commission and school district or other public corporation jointly, and the same polling places and registration books may be used jointly in such cases, and the same individuals may serve as election officers for all such joint elections, and in such cases the compensation of such election officers and other expense shall be so divided that the port district shall bear only its proportionate share thereof.

The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

SEC. 7. Section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951 and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty

RCW 29.21.060
amended.

Declarations
of candidacy
in certain
cities and
districts
filed.

nor less than forty-five days prior to the day of the primary with the clerk thereof.

All candidates for district offices, other than in irrigation districts and in port districts of class AA and class A counties, shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy.

Withdrawal.

The city clerk in class A counties shall transmit to the county auditor at least thirty-five days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections: *Provided*, That no filing fee shall be charged in the event that the office sought is without compensation.

Fees.

Note: See also section 2, chapter 247, Laws of 1959.

SEC. 8. Section 8, chapter 17, Laws of 1959 and RCW 53.12.150 are each amended to read as follows:

RCW 53.12.150 amended.

In the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners.

Commissioner vacancies, how filled.

If there should be at the same time such number of vacancies that there are not in office a majority

of the full number of commissioners fixed by law, county commissioners of the county shall within fifteen days of such vacancies make appointments to fill the vacancies ad interim through the next general election.

New section.

SEC. 9. There is added to chapter 53.12 RCW a new section to read as follows:

Declarations of candidacy filed.

All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county at the same time as and in the same manner as candidates for county offices.

New section.

SEC. 10. There is added to chapter 53.12 RCW a new section to read as follows:

Primary elections, when.

In the event that more than two candidates are filed for the office of port district commissioner in any port commissioner district or for the office of port district commissioner at large after the last day for withdrawal of candidacy, in port districts in class AA and class A counties, the county auditor shall conduct a port district primary at the same time at which he conducts the county primaries.

In the event that no more than two candidates are filed for the office of port district commissioner in any port commissioner district or for the office of port district commissioner at large after the last day for withdrawal of candidacy, in port districts in class AA and class A counties, the county auditor shall not conduct a primary and shall notify the candidates in such districts that there will be no primary, and shall cause their names to be printed in alphabetical sequence on the ballot for the general elections only.

General election ballot, when primary.

In the event that a primary is conducted for the office of port district commissioner, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in

that order on the port district general election ballot under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the port district general election ballot so that the voter shall have a choice of two candidates for each position. The sequence of names of candidates printed on the district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the district primary and general election ballot need not be rotated.

SEC. 11. Section 2, chapter 39, Laws of 1921, as amended by section 1, chapter 69, Laws of 1951 and RCW 53.12.030 are each repealed. **Repeal.**

SEC. 12. 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. **Emergency.**

Passed the House February 20, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 176.

[H. B. 521.]

FISH HATCHERY—GRANT COUNTY P. U. D.

AN Act relating to the construction and operation of a fish hatchery in Grant county; authorizing the expenditure of certain funds; authorizing the state game commission to contract with the Grant county public utility district; and making an appropriation.

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

Construction, operation of hatchery authorized.

SECTION 1. The state game commission is hereby authorized to expend such funds as it may receive from the Grant county public utility district as a part of a cooperative fish propagation project, and to add to such funds not to exceed two hundred thousand dollars from the state game fund for the construction and operation of a fish hatchery in Grant county, Washington. The state game commission is further authorized to contract with the Grant county public utility district to bind itself to plant such species of game fish as are determined proper in accordance with and during the period of such a contract.

Appropriation.

SEC. 2. There is appropriated from the state game fund to the Washington state game commission the sum of two hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the House February 25, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 177.

[H. B. 638.]

REGISTRY FOR HANDICAPPED CHILDREN.

AN ACT establishing a registry for handicapped children; prescribing powers, duties, and procedures in relation thereto; and adding new sections to chapter 83, Laws of 1907 and to chapter 70.58 RCW.

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

SECTION 1. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows: New section.

The purpose of this enactment is to provide a registry for handicapped children as an aid to their timely treatment and care. Purpose.

SEC. 2. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows: New section.

The director of the department of health, through the state registrar of vital statistics, shall establish and maintain a registry for handicapped children. Registry for handicapped children.

SEC. 3. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows: New section.

Whenever the attending physician discovers that a newborn child has a congenital defect, and whenever a physician discovers upon treating a child under the age of fourteen years that such child has a partial or complete disability or a condition which may lead to partial or complete disability, such fact shall be reported to the local registrar upon a form to be provided by the director of health. No report shall be required if the disabling condition has been previously reported or the condition is not one required to be reported by the director of health. Congenital defects shall be reported at the same time as birth certificates are required to be filed. Each physi- Congenital defects to be reported.

cian shall make a report as to disabling conditions within thirty days after discovery thereof.

Forms.

The forms to be provided by the director of health for this purpose shall require such information as the director deems necessary to carry out the purpose of this amendatory act.

New section.

SEC. 4. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows:

Reports secret.

Except compilations of statistical data furnished by the department, the information furnished in the reports required by section 3 of this act shall be secret and shall not be revealed except upon order of the superior court.

New section.

SEC. 5. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows:

Cooperation authorized.

The director of health and any local health officer is authorized to cooperate with and to promote the aid of any medical, health, nursing, welfare, or other private groups or organizations, and with any state agency or political subdivision to furnish statistical data in furtherance of the purpose of this amendatory act. The director or any local health officer may accept contributions or gifts in cash or otherwise from any person, group, or governmental agency to further the purpose of this amendatory act.

Gifts accepted.

New section.

SEC. 6. There is added to chapter 83, Laws of 1907 and to chapter 70.58 RCW a new section to read as follows:

Rules and regulations.

The state board of health is authorized to make such rules and regulations as are necessary to carry out the purpose of this amendatory act.

Passed the House March 3, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 178.

[S. B. 489.]

STATE PURCHASING ADMINISTRATION.

AN ACT relating to state government; relating to the department of general administration, division of purchasing; amending section 1, chapter 187, Laws of 1957 and RCW 43.19.190; adding new sections to chapter 43.19 RCW; repealing chapter 160, Laws of 1943 and RCW 43.90.010 through 43.90-.100; and declaring an emergency.

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

SECTION 1. Section 1, chapter 187, Laws of 1957 and RCW 43.19.190 are each amended to read as follows:

RCW 43.19.190 amended.

The director of general administration, through the division of purchasing, shall:

Powers and duties—Division of purchasing.

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of this act;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided, however,* That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges and universities: *Provided further,* That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided*, That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of this act or from policies established by the state purchasing committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classifications system and may, in addition, provide for the adoption of standard specifications when approved by the purchasing committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

New section.

SEC. 2. There is added to chapter 43.19 RCW a new section to read as follows:

State purchasing committee established.

There is hereby created a state purchasing committee which shall consist of seven members as follows: The director of general administration as chairman and executive officer, who shall be re-

sponsible for the execution of all policies established by the committee, and a representative from each of the following six state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of institutions, the department of natural resources, the university of Washington, Washington state college and the central budget agency. Members of the committee shall serve without additional compensation and at the pleasure of the governor. Four members of the committee shall constitute a quorum. The committee shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

Special
committees.

SEC. 3. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

The state purchasing committee shall have the following powers and duties:

Committee
powers and
duties.

(1) Review and approve standards and specifications for all items of material, supplies and equipment of common usage in state agencies;

(2) Review and approve specifications for specific items of material, supplies and equipment referred to it by the division of purchasing;

(3) Review and approve standards for the purchase, replacement and repair of automotive equipment consistent with the needs and location of state agencies;

(4) Review and approve a uniform system of inventory control for material, supplies and equipment;

(5) Act as an appeals board to hear appeals on matters involving a state agency and the division

of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal;

(6) The findings and actions of the committee shall be binding upon the respective state agencies including all offices, institutions, and departments, and public funds shall not be expended by any agency for substitutions for material, supplies and equipment for which standards have been established by the committee unless prior written approval is obtained from the division of purchasing.

New section.

SEC. 4. There is added to chapter 43.19 RCW a new section to read as follows:

Competitive formal sealed bid procedure.

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the director of general administration through the division of purchasing and under the powers granted by this act: *Provided*, That sealed competitive bidding shall not be necessary for:

Exceptions.

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; and

(2) Purchases not exceeding five hundred dollars but in all such purchases quotations shall be secured from enough vendors to assure establishment of a competitive price; and

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services or market conditions, in which instances the purchase price may be best established by direct negotiation.

New section.

SEC. 5. There is added to chapter 43.19 RCW a new section to read as follows:

Bids solicited by notice.

Competitive bidding required by this act shall be solicited by public notice, and through the sending of notices by mail to bidders on the appropriate

list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing.

Bid form.

SEC. 6. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: *Provided*, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder," in addition to price, the following elements shall be given consideration:

Contracts let to lowest bidder.

"Lowest responsible bidder," determining.

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (3) Whether the bidder can perform the contract within the time specified;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by

the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract.

New section. SEC. 7. There is added to chapter 43.19 RCW a new section to read as follows:

Reject for unsatisfactory performance. The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state.

New section. SEC. 8. There is added to chapter 43.19 RCW a new section to read as follows:

Bonds. When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

New section. SEC. 9. There is added to chapter 43.19 RCW a new section to read as follows:

Records of state owned equipment. The director of general administration, through the division of purchasing, shall maintain a perpetual record of ownership of state owned equipment, which shall be available in the division of purchasing for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state agencies owning the equipment, or to such other special investigators and others as the governor may direct.

All state agencies shall account to the division of purchasing at any and all times for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

"State equipment" defined.

SEC. 10. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

The division of purchasing shall sell or exchange personal property belonging to the state for which the office, department, or institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: *Provided*, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in this act.

Sale or exchange of property.

SEC. 11. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

The director of general administration, through the division of purchasing, shall:

Additional duties, division of purchasing. "Central stores."

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the central budget agency.

New section.

SEC. 12. There is added to chapter 43.19 RCW a new section to read as follows:

"Central stores revolving fund" established.

There is created within the division of purchasing of the department of general administration a revolving fund to be known as the "central stores revolving fund," which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section.

Transfer of funds.

New section.

SEC. 13. There is added to chapter 43.19 RCW a new section to read as follows:

Advance payments made.

To supply such funds as may be necessary for making combined purchases of items of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies and equipment.

Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies and equipment as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores.

Operating
costs
recovered.

SEC. 14. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

The central stores revolving fund shall be deposited in such banks and financial institutions as may be selected by the state treasurer, which shall furnish to him surety bonds or collateral eligible as security for the deposit of state funds, in at least the full amount of deposit in each such bank or financial institution.

Fund deposi-
tories—Bonds.

SEC. 15. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

The director of general administration, through the division of purchasing, shall enter into rental contracts, purchase agreements, or leases for all space needed for offices, warehouses, and other premises as may be required by the various state agencies: *Provided*, That primary authority for the leasing of real estate for research or experimental purposes for their own use shall rest with the colleges and universities.

Contracts for
premises
authorized.

SEC. 16. There is added to chapter 43.19 RCW a new section to read as follows:

New section.

All rental contracts, purchase agreements, or leases shall be prepared in triplicate, and executed by the director of general administration in behalf of the using agency, and shall be approved as to form

Agreements—
Execution,
approval.

by the attorney general, which approval shall appear in writing on the original copy thereof: *Provided*, That leases entered into by the colleges and universities may be executed by an appropriate officer thereof.

New section.

SEC. 17. There is added to chapter 43.19 RCW a new section to read as follows:

Distribution of agreement copies.

Copies of rental contracts, purchase agreements, and leases shall be distributed as follows: (1) Original shall be retained on file in the division of purchasing, (2) first duplicate copy shall be supplied to lessor or vendor, (3) second duplicate copy shall be filed with the using agency for which the rental contract, purchase agreement, or lease is consummated.

New section.

SEC. 18. There is added to chapter 43.19 RCW a new section to read as follows:

Insurance and public official bonds—Procurement and payment.

As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such insurance and public official bonds: *Provided*, That the individual public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the administrative board.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which

procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor.

SEC. 19. There is added to chapter 43.19 RCW a new section to read as follows:

No member of the state purchasing committee and no state employee whose duties include:

(1) Advising on or drawing specifications for supplies, equipment, commodities or services;

(2) Suggesting or determining vendors to be placed upon a bid list;

(3) Drawing requisitions for supplies, equipment, commodities or services;

(4) Evaluating specifications or bids and suggesting or determining awards; or

(5) Accepting the receipt of supplies, equipment and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a financial benefit, or accept any gift, token, membership or service, as a result of a purchase entered into by the state, from any person, firm or corporation engaged in the sale, lease or rental of property, material, supplies, equipment, commodities or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be cancelled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

SEC. 20. There is added to chapter 43.19 RCW a new section to read as follows:

When any competitive bid or bids are to be or have been solicited, requested, or advertised for by

the state under the provisions of this act, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor.

Violation,
misdemeanor.

Repeal.

SEC. 21. Chapter 160, Laws of 1943 and RCW 43.90.010 through 43.90.100 are each repealed.

Severability.

SEC. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

SEC. 23. 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 3, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 179.

[H. B. 487.]

INDUSTRIAL INSURANCE—PREMIUMS.

AN ACT relating to industrial insurance; amending section 49, chapter 70, Laws of 1957 and RCW 51.16.090; and amending section 50, chapter 70, Laws of 1957 and RCW 51.16.110.

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

SECTION 1. Section 49, chapter 70, Laws of 1957 and RCW 51.16.090 are each amended to read as follows:

RCW 51.16.090 amended.

To the end that no employer shall evade the burdens imposed by an unfavorable or high cost experience, the director may determine whether or not an increase, decrease, or change (1) of operating property; (2) of interest in operating property; (3) of employer; (4) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience: *Provided*, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of the employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, such person or entity as legally reconstituted shall be entitled to a continuation of the experience rating which existed prior to such change in the employer's legal structure unless there has been such a substantial change as provided in subdivisions (1), (2), (3) or (4) of this section as would warrant making inoperative any high cost experience.

Employer may not evade unfavorable cost experience.

SEC. 2. Section 50, chapter 70, Laws of 1957 and RCW 51.16.110 are each amended to read as follows:

RCW 51.16.110 amended.

Every employer who shall enter into any business, or who shall resume operations in any work or plant

New busi-
nesses or
resumed
operations.

after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with an estimate of his payroll and workmen hours for the first calendar month of his proposed operations, and shall make payment of the premiums on such estimate. Every such employer shall be liable for a premium of at least such estimate. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July 1st date, and shall be liable for a premium of at least two dollars per month irrespective of the amount of his workmen hours reported during said month to the department: *Provided*, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of such employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, the director may continue, increase, or decrease such experience rating which existed prior to such change in the employer's legal structure.

Note: See also section 15, chapter 308, Laws of 1959.

Passed the House February 27, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 180.

[H. B. 278.]

CONVEYANCE TO SUNNYSIDE CHAMBER OF
COMMERCE.

AN ACT authorizing the conveyance of certain lands in Yakima county, Washington to the Sunnyside chamber of commerce, a corporation, Sunnyside, Washington.

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

SECTION 1. Upon the payment to the state of Washington of the sum of one thousand dollars, which sum shall be deposited to the account of the highway safety fund when received by the treasurer of the state of Washington, the Washington state patrol is authorized and directed to certify to the governor and secretary of state that such payment has been made on the following described property situated in Yakima county, Washington: The North 68 feet of the East 140 feet of Lot Five (5), Block "B" of GEORGE E. SHAW'S ACRE TRACT ADDITION TO SUNNYSIDE, Washington, according to the official plat thereof recorded in Volume "A" of Plats, page 74, records of Yakima county, Washington; and the governor is hereby authorized and directed forthwith to execute and the secretary of state is authorized and directed to attest to a deed conveying said lands to the Sunnyside chamber of commerce, a corporation, Sunnyside, Washington.

Conveyance
authorized
upon pay-
ment.

Description.

Passed the House February 11, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 181.

[H. B. 90.]

STATE MILITARY DEPARTMENT—DISPOSITION OF SEATTLE LANDS.

AN ACT relating to the sale and conveyance or lease or exchange of certain real property, in Block 35 A. A. Denny's 6th Addition in the city of Seattle and providing for the distribution of proceeds.

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

Sale or exchange authorized.

SECTION 1. The military department of the state of Washington may sell or lease or exchange for property of like value the following described property located in the city of Seattle:

Description.

Lots 1-8 inclusive and portions of Lots 9 and 10 lying northwesterly of line parallel to and 20' southeasterly of northwesterly boundaries of said Lots 9 and 10 plus abutting vacated portion of Lenora Street and abutting vacated alley, all in Block 35, A. A. Denny's 6th Addition less portion of Lot 10 condemned for Western Avenue and less portions of Lots 1, 4, 5, 8, and 9 condemned for Armory Way.

Such sale, lease or exchange may be made at such time as the adjutant general of the Washington national guard decides that said property is no longer needed as an armory site: *Provided further*, That said department and adjutant general shall in each instance give the city of Seattle the first opportunity and/or option to acquire said property and before said property is made available to the general public.

Execution of sale instrument.

SEC. 2. In the event of a sale as authorized in section 1, any instrument necessary to convey title to the property described in section 1 which is known as the old armory site shall be executed by the governor in form approved by the attorney general.

SEC. 3. The consideration received from the sale authorized in section 1 hereof shall be deposited to the account of the general fund in the state treasury and shall be set aside and utilized for the purchase of real property for the use of the military department of the state of Washington.

Disposition
of proceeds.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 182.

[H. B. 426.]

TRAFFIC SCHOOLS.

AN ACT relating to the joint establishment of traffic schools by cities or towns and counties; providing for the formation and operation thereof; defining a crime; and fixing penalties.

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

SECTION 1. Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this act. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof.

Traffic schools
authorized.

SEC. 2. A traffic school established under this act shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the

Supervision by
county com-
missioners.

county sheriff and the police department of the city or town.

Operating funds—Gifts.

SEC. 3. All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools.

Purpose.

SEC. 4. It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and roads, streets and highways under varying conditions and circumstances.

Attendance as part of sentence.

SEC. 5. Every police court, justice court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

SEC. 6. Every person required to attend a traffic school as established under the provisions of this act shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction.

Failure to attend school, misdemeanor.

Passed the House March 3, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 183.

[H. B. 381.]

PORT DISTRICTS—REVENUE BONDS AND WARRANTS.

AN ACT relating to port districts; amending section 1, chapter 122, Laws of 1949, as amended by section 1, chapter 59, Laws of 1957, and RCW 53.40.010; section 3, chapter 59, Laws of 1957 and RCW 53.40.020; section 4, chapter 59, Laws of 1957 and RCW 53.40.030; section 4, chapter 122, Laws of 1949, as amended by section 5, chapter 59, Laws of 1957, and RCW 53.40.040; section 3, chapter 122, Laws of 1949, as amended by section 6, chapter 59, Laws of 1957, and RCW 53.40.050; sections 9 and 8, chapter 122, Laws of 1949 and RCW 53.40.110 and 53.40.130; and adding two new sections to chapter 53.40 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 122, Laws of 1949, as amended by section 1, chapter 59, Laws of 1957, and RCW 53.40.010 are each amended to read as follows:

RCW 53.40.010 amended.

The port commission of any port district is authorized for the purpose of carrying out the lawful powers granted port districts by the laws of the state to contract indebtedness and to issue revenue bonds

Revenue bonds authorized.

evidencing such indebtedness in conformity with this chapter.

RCW 53.40.020 amended.

Purposes for which issued.

SEC. 2. Section 3, chapter 59, Laws of 1957 and RCW 53.40.020 are each amended to read as follows:

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the port district from time to time and in such amounts as is deemed necessary by the port commission to provide sufficient funds for the carrying out of all port district powers, and without limiting the generality thereof, shall include the following: Acquisition, construction, reconstruction, maintenance, repair, additions and operation of port properties and facilities, including in the cost thereof engineering, inspection, accounting, fiscal and legal expenses; the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses; payment of interest on the outstanding bonds issued for any project during the period of actual construction and for six months after the completion thereof, and the proceeds of such bond issue are hereby made available for all such purposes.

RCW 53.40.030 amended.

Bonds—Term, form, etc.

SEC. 3. Section 4, chapter 59, Laws of 1957 and RCW 53.40.030 are each amended to read as follows:

The port commission shall determine the form, conditions, and denominations of all such bonds, the maturity date or dates which the bonds so sold shall bear, and the interest rate thereon, which shall not exceed six percent per year. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of the bonds shall be payable at such place or places as may be fixed and determined by the port commission. The bonds may contain provisions for registration thereof as to principal only or as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such time or times as may be determined by the port commis-

sion and in such amounts as it may prescribe. The port commission may provide for retirement of bonds issued under this chapter at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the port commission.

SEC. 4. Section 4, chapter 122, Laws of 1949, as amended by section 5, chapter 59, Laws of 1957, and RCW 53.40.040 are each amended to read as follows:

RCW 53.40.040 amended.

Bonds issued under the provisions of this chapter shall be payable solely out of operating revenues of the port district. Such bonds shall be authorized by resolution adopted by the port commission, which resolution shall create a special fund or funds into which the port commission may obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

Bonds payable only out of revenues—
Special funds.

The bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and the coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the port commission fails to set aside and pay into such fund or funds the payments provided for in such resolution, the holder

Bonds, negotiable instruments.

of any such bonds may bring suit to compel compliance with the provisions of the resolution.

RCW 53.40.050
amended.

SEC. 5. Section 3, chapter 122, Laws of 1949, as amended by section 6, chapter 59, Laws of 1957, and RCW 53.40.050 are each amended to read as follows:

Sale of bonds
to federal
government.

Port districts may, but are not required by the terms of this chapter to do so, sell any or all such bonds issued pursuant to this chapter to the federal government, or any agency of the federal government, at private sale and without the necessity of public advertisement or calling for bids.

RCW 53.40.110
amended.
Bonds—
Interest on,
form, permis-
sible
covenants.

SEC. 6. Section 9, chapter 122, Laws of 1949 and RCW 53.40.110 are each amended to read as follows:

The bonds issued pursuant to the provisions of this chapter shall bear interest at a net interest cost to the port district over the life of the issue at not to exceed six percent per annum and no semiannual interest shall be, nor shall any coupon evidence, interest at a rate greater than six percent; shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one of which signatures may be a facsimile signature, and shall have the seal of the port district impressed thereon; each of the interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Such bonds shall be sold in the manner and at such price as the port commission shall deem best, either at public or private sale.

The port commission may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may but shall not be required to include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect tariffs, rates, charges, fees, rentals, and

sales prices on facilities and services the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holders of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

SEC. 7. Section 8, chapter 122, Laws of 1949 and RCW 53.40.130 are each amended to read as follows:

RCW 53.40.130
amended.

The port commission of any port district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue warrants, bonds, and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

Refunding
revenue bonds
authorized.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a

Special fund.

fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Refunding bonds, negotiable instruments.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The net interest cost to maturity on such funding or refunding bonds shall not exceed six percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue warrants or bonds shall not be considered in determining such net interest cost.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

New section.

SEC. 8. There is added to chapter 53.40 RCW a new section to read as follows:

Revenue warrants authorized.

Port districts may also issue revenue warrants for the same purposes for which they may issue revenue bonds, and the provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such revenue warrants.

New section.

SEC. 9. There is added to chapter 53.40 RCW a new section to read as follows:

Any sale of revenue bonds or warrants of port districts heretofore made, whether at public or private sale and whether at par or less than par as authorized herein, and any terms, conditions, and covenants of any revenue bonds or warrants of port districts heretofore issued, are hereby declared to be valid, legal, and binding in all respects: *Provided, however,* That this section shall not be construed to exonerate any officer or agent of any such district from any liability for any acts which were committed fraudulently or in bad faith.

Prior sales
validated.

SEC. 10. 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 institutions and political subdivisions, and shall take effect immediately.

Emergency.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 184.

[H. B. 611.]

LIMITED ACCESS HIGHWAYS—PARKING FACILITIES.

AN ACT relating to limited access highways and freeways; authorizing the lease of air space over and under limited access highways and freeways for private motor vehicle parking areas and development of parking facilities; and adding a new chapter to Title 47 RCW.

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

SECTION 1. There is added to Title 47 RCW a new chapter to read as set forth in sections 2 through 13 of this act.

New chapter.

SEC. 2. The state highway commission may rent or lease to any person, partnership, association, corporation or municipal corporation desiring the use

Lease of air-
space for
parking
facilities
authorized.

of any part thereof, including the right of way adjoining the paved portion, the air space over, under, or above any part of a limited access highway or freeway, and the space over or under any ramp or interchange, for constructing thereon, thereunder, and in said air space parking lots or other parking facilities for the use of motor vehicles, so long as the use by the lessee in no manner interferes with the freeway.

Lease period—
Ownership re-
verts to state.

SEC. 3. Any lease entered into under authority granted by this chapter shall be for a period not to exceed fifty years, and may be for such lesser period as the state highway commission shall determine. All improvements placed within the air space over or above or under the freeway or any ramp or interchange thereof by the lessors shall, upon expiration of the lease, revert to and become the property of the state to the same extent that the freeway and its appurtenances are state property.

Required
covenant in
lease.

SEC. 4. Any lease entered into must include in its provisions requirements that the use of and improvements made or constructed in the leased air space be primarily for the good of the public and for no purpose other than the construction and operation of parking lots or facilities as set forth in section 2 of this chapter.

Lease to mu-
nicipal
corporation.

SEC. 5. The state highway commission may lease any available air space over, under or above any part of a limited access highway or freeway, within the limits of a municipal corporation, to such municipal corporation, for the purpose of constructing and operating parking facilities, upon such terms and conditions as the commission and proper authorities of such municipal corporation deem reasonable and fair, without the necessity for advertisement or order of court and without the necessity of first calling for bids from private persons or firms.

The provisions of sections 6 through 12 shall not apply to any such lease to a municipal corporation. The lease may authorize the municipal corporation to sublease such space to any person, partnership, association or corporation desiring to construct and operate parking facilities providing such sublease is made in the manner provided in sections 6 through 12. Any city renting or leasing the lands or interests in lands described in section 2 hereof may develop, construct or improve parking facilities thereon: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such parking space and/or facilities until after it has called for sealed bids from responsible, private bidders for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's cost in acquiring and/or constructing or improving the facility to be leased, including interest charges and debt retirement. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this act shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall be-

Sublease
authorized.

Cities over
one hundred
thousand
population,
bids for
private
operation.

come the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

Call for
bids.

SEC. 6. Whenever the state highway commission determines that air space is available for lease to any person, partnership, association or corporation it shall publish a call for bids thereon at least once each week for two consecutive weeks, the first publication to be not less than forty-five days preceding the day set for receiving and opening the bids. Said publication shall be made in at least one newspaper of general circulation in the county wherein the air space to be leased is located, and shall state the time, place, and date for receiving and opening the bids, give the location of the air space to be leased, the term of the lease which may be granted and contain such other information as the highway commission may deem of value or assistance to prospective bidders.

Type of bids—
Deposit.

SEC. 7. Each person, firm, corporation, or other association bidding for the lease of air space shall enclose with written bids a comprehensive analysis of plans for the improvement of the air space by the development of motor vehicle parking facilities, and shall set forth the amount of the bid in a manner which will clearly indicate to the commission the total rental to be received by the state over the full term of the lease. All bids shall be under sealed cover and accompanied by deposit in cash, certified

check, cashier's check, or surety bond, in an amount not less than the rental for one year as computed from the average annual rental for the full term of the lease, and no bid shall be considered unless the deposit is enclosed therewith.

SEC. 8. At the time and place named in the call for bids the state highway commission shall publicly open all bids and read the total of all rentals to be paid for the full term of the lease, as shown on each bid properly filed. Within thirty days after the opening of bids the commission shall notify all bidders by mail of the date and place, not less than seven nor more than fourteen days after mailing of the notice, when the lease will be awarded. Prior to said notification and award, the commission shall give full consideration to the improvements proposed to be made by each bidder and the value thereof upon reversion to the state, and said value shall be considered with the rentals to be paid in determining the successful bid.

Reading of bids—Notice of award.

SEC. 9. If in the opinion of the commission the acceptance of the bid of the best responsible bidder or bidders, or on prior failure thereof, the acceptance of a bid of any of the remaining best responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof.

Bids may be rejected—Call republished.

SEC. 10. If the successful bidder fails to enter into the lease and furnish bond satisfactory to the commission within thirty days from the award, exclusive of the day of award, his deposit shall be forfeited to the state and the commission may award the lease to the second best bidder. If the second best bidder fails to enter into the lease and furnish bond within thirty days after the award to him, forfeiture of his deposit shall also be made and the

Forfeiture of deposit upon delay—Time extension authorized.

lease may be awarded to the third best bidder, and in like manner until the lease and bond are executed by a responsible bidder to whom the award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That if the lease is not executed and bond furnished within the time required, and there appear circumstances which are deemed by the commission to warrant an extension of time, the commission may extend the time for execution of the lease or furnishing bond for not to exceed thirty additional days. After awarding the lease the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposits of the next best responsible bidder or bidders as he desires until such time as the lease is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

Bond upon
award of
lease.

SEC. 11. The bond required to be furnished by a successful bidder, upon the awarding of the lease, shall be conditioned upon the full performance of the lease for the full term thereof, including completion of all improvements proposed to be constructed by the lessee in the bid submitted, and conditioned further upon the lessee's operation of the leased air space without obstruction or hindrance to the freeway or highway facilities appurtenant thereto.

Bond sureties
to qualify.

SEC. 12. The commission may at any time require any or all sureties on a lessee's bond to appear and qualify themselves. If it deems that the surety or sureties on such bond have become insufficient it may demand in writing that the lessee furnish additional sureties or a further bond, in an amount the commission deems necessary, but not in excess of that originally required at the time of making the award.

SEC. 13. The state highway commission may adopt such rules as are reasonably necessary to implement the purpose of this chapter, and may require covenants and conditions in any lease executed under the authority of this chapter as are deemed necessary to protect the freeway and appurtenant highway facilities and to the fulfillment of the lease by the lessee or lessees. Whenever any air space over, under or above any part of a limited access highway or a freeway is leased to a private person or firm or such space is leased to a municipal corporation authorizing a sublease of such space to a private person or firm, the state highway commission shall reserve to itself or to the municipal corporation subleasing such space, continuing control of parking rates to be charged the public by the lessee or sublessee: *Provided, however,* That nothing herein contained shall prohibit the state highway commission or a municipal corporation, when leasing or subleasing such air space to a private person or firm, from covenanting to permit any private lessee or sublessee to charge rates for parking during the term of the lease or sublease, adequate to pay costs of operation and maintenance, the cost of construction of parking facilities over a reasonable period of time and to return a fair profit to such private lessee or sublessee.

Implementing
rules
authorized.

Control of
parking rates
reserved.

SEC. 14. All money received under this chapter, whether proceeds from a lease, forfeiture of bid deposits, or otherwise, shall be delivered to the state treasurer for deposit in the motor vehicle fund.

Disposition
of moneys
received.

SEC. 15. The provisions of this chapter are intended to supersede any laws of the state inconsistent herewith, and to effect repeal thereof where they have application only to situations as herein set forth and to no other business or affairs of the state, and if any provisions of this chapter, or its application to any person or circumstance is held invalid,

Construction
—Severability.

the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

Passed the House March 7, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 185.

[H. B. 122.]

BANKS, TRUST COMPANIES—INVESTMENTS.

AN ACT relating to banks and trust companies and mutual savings banks; adding a new section to chapter 33, Laws of 1955 and to chapter 30.04 RCW; and adding a new section to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

New section. SECTION 1. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows:

Purchase of stock authorized. Any bank, or trust company, or bank under the supervision of the supervisor may purchase and hold for its own investment account stock in small business investment companies licensed and regulated by the United States, as authorized by the Small Business Act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed one percent of its paid-in capital and surplus.

New section. SEC. 2. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

Purchase of stock authorized. A savings bank may purchase and hold for its own investment account stock in small business investment companies licensed and regulated by the United States, as authorized by the Small Business Act, Public Law 85-536, 72 Statutes at Large 384, in

an amount not to exceed one percent of the guaranty fund of such mutual savings bank.

Passed the House February 3, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 186.

[H. B. 182.]

UNIVERSITY OF WASHINGTON—FEES.

AN ACT relating to education; authorizing the board of regents of the University of Washington to establish, charge and collect tuition and other fees from students of the university; amending section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 243, Laws of 1947, and RCW 28.77.030.

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 243, Laws of 1947, and RCW 28.77.030, are each amended to read as follows:

RCW 28.77.030
amended.

The University of Washington shall charge and collect from each of the students registering therein the following fees:

Student fees.

(1) In the departments and schools thereof other than the schools of medicine and dentistry a general tuition fee of thirty-five dollars per quarter from each person domiciled in this state for the period of one year prior to registration, and one hundred five dollars each, per quarter, from all others;

(2) In the schools of medicine or dentistry a general tuition fee not exceeding one hundred dollars per quarter, from each person domiciled in this state for the period of one year prior to registration, and one hundred sixty-five dollars each, per quarter, from all others;

(3) Special tuition fees to include fees for summer sessions, short courses, marine station work, correspondence or extension courses, individual instruction fees and such other special tuition fees as may be established by the board of regents from time to time;

(4) 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 are to be deposited or paid by each student required to deposit or pay same, under rules prescribed by the board of regents;

(5) A library fee of ten dollars per quarter from each student registered in law, for the law library.

Passed the House February 24, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 187.

[H. B. 189.]

PUBLIC SCHOOLS—INSURANCE PROGRAMS.

AN ACT permitting the establishment of an insurance program for the regents, trustees, members of boards of directors, students and employees of the state public school system.

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

SECTION 1. The regents, trustees or board of directors of any of the state's educational institutions or school districts may provide liability, life, health and accident insurance or any one of, or a combination of the enumerated types of insurance for the regents, trustees, members of boards of directors, students and employees of the institution or school district. The premiums due on such liability in-

Insurance
programs
authorized.

surance shall be borne by the university, college or school district. The premiums due on such life or health and accident insurance shall be borne by the assenting regent, trustee, member of board of directors, student or employee: *Provided*, That nothing contained herein shall be construed to prevent the extension of the coverage provided in the insurance plan adopted to include dependents of the assenting regents, trustees, members of boards of directors, students or employees so long as the additional cost thereof is borne by the insured regent, trustee, member of board of directors, student or employee.

Passed the House March 6, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 188.

[H. B. 191.]

STATE LAW LIBRARY.

AN ACT relating to the state law library; transferring jurisdiction to the supreme court; authorizing the transfer of appropriations; abolishing the state law library committee; repealing section 1, chapter 32, Laws of 1907 as amended by section 1, chapter 147, Laws of 1939; section 12, chapter 7, Laws of 1921; section 1, chapter 239, Laws of 1927 as amended by section 1, chapter 94, Laws of 1947 and RCW 27.20.010, 27.20.020, 43.36.010 and 43.36.020; and declaring an emergency.

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

SECTION 1. The state law library shall be a part of the judicial branch of state government and shall be under the exclusive jurisdiction and control of the supreme court.

Law library
under ju-
diciary.

SEC. 2. The supreme court shall appoint a state law librarian, who may be removed at its pleasure.

Personnel—
Compensation.

The librarian shall receive such compensation only as shall be fixed by the court.

The court may also appoint and fix the salaries of such assistants and clerical personnel as may be required.

Duties prescribed.

SEC. 3. The duties of the state law librarian shall be as prescribed by statute and by rules of court.

Appropriation consolidated.

SEC. 4. The unencumbered balances of the current biennium appropriations for the state law library and the state law librarian's salary are hereby consolidated into salaries, wages and operations and shall be administered and expended as directed by the court.

Committee abolished.

SEC. 5. The state law library committee is hereby abolished.

Repeal.

SEC. 6. Section 1, chapter 32, Laws of 1907 as amended by section 1, chapter 147, Laws of 1939; section 12, chapter 7, Laws of 1921; section 1, chapter 239, Laws of 1927 as amended by section 1, chapter 94, Laws of 1947; and RCW 27.20.010, 27.20.020, 43.36.010 and 43.36.020 are each repealed.

Emergency.

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 House February 14, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 189.

[H. B. 230.]

MEDICINE AND SURGERY—CONDITIONAL LICENSES
FOR STATE INSTITUTIONS.

AN ACT relating to the conditional licensing to practice medicine and surgery of certain employees of the department of institutions; providing requirements for the issuance of such conditional license and limitations imposed upon such licensees, and adding a new section to chapter 18.71 RCW.

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

SECTION 1. There is hereby added to chapter 18.71 RCW a new section to read as follows: New section.

Notwithstanding any provisions of law to the contrary, the director of the department of licenses shall, upon the written request of the director of the department of institutions, issue a conditional certificate or license to practice medicine and surgery in this state to such person or persons as requested by the director of the department of institutions; who have been accepted for employment by the department as physicians or psychiatrists; who are licensed to practice medicine and surgery in another state of the United States; and who are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of licenses, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein: Conditional license to practice medicine and surgery authorized.

(1) The licensee shall only practice the profession of medicine and surgery in conjunction with patients, residents, or inmates of the state institutions under the control and supervision of the director of the department of institutions.

(2) The licensee shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 RCW and in addition, the conditional license or certificate to practice medicine and surgery in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth in sub-section 1 hereof.

(3) Such license shall remain in full force and effect so long as the licensee remains an employee of the department of institutions, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72 RCW.

Termination
date for
issuance.

SEC. 2. The director of licenses shall not issue conditional licenses or certificates to practice medicine and surgery under the provisions of this act after July 1, 1963, but all such licenses issued under the authority of this act prior to July 1, 1963 shall remain valid and effective, subject to the provisions of this act.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 190.

[H. B. 237.]

INTERFAITH ADVISORY COMMITTEE.

AN ACT relating to the interfaith advisory committee and amending section 72.01.250, chapter 28, Laws of 1959, and RCW 72.01.250.

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

SECTION 1. Section 72.01.250, chapter 28, Laws of 1959, and RCW 72.01.250 are each amended to read as follows:

RCW 72.01.250 amended.

An interfaith advisory committee of not less than nine and not more than twelve members shall be appointed by the governor to advise and assist the director regarding the qualifications, selection, and duties of the institutional chaplains and the development of the religious programs in the state institutions.

Interfaith advisory committee.

The members of the interfaith advisory committee shall be reimbursed by the director for the expenses of subsistence and lodging and travel expenses in attending meetings of the interfaith advisory committee in accordance with the provisions of RCW 43.03.050 and RCW 43.03.060, as now or hereafter amended.

Reimbursed for expenses.

SEC. 2. The subsistence and lodging and travel expenses of the interfaith advisory committee authorized in section 1 of this act shall not exceed the sum of three thousand dollars for the biennium beginning July 1, 1959, and ending June 30, 1961.

Biennium reimbursement limitation.

Passed the House February 23, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 191.

[H. B. 295.]

INSTITUTIONS OF HIGHER LEARNING—STUDENT
LOAN FUND.

AN ACT relating to state institutions of higher learning; and
adding a new section to chapter 28.76 RCW.

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

New section.

SECTION 1. There is added to chapter 28.76 RCW
a new section to read as follows:

Loan funds
authorized.

The boards of regents of the University of Wash-
ington and the State College of Washington, and the
boards of trustees of the colleges of education may
each create a student loan fund, and qualify and
participate in the National Defense Education Act
of 1958, and to that end may comply with all of the
laws of the United States, and all of the rules, regu-
lations and requirements promulgated pursuant
thereto.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 192.

[H. B. 359.]

JUDGES' RETIREMENT FUND.

AN ACT relating to the judges' retirement fund; and amending section 5, chapter 229, Laws of 1937 and RCW 2.12.050.

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

SECTION 1. Section 5, chapter 229, Laws of 1937 and RCW 2.12.050 are each amended to read as follows:

RCW 2.12.050
amended.

There is hereby created a fund to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. He shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. He shall keep written permanent records showing all receipts and disbursements of said fund and shall make an annual written report showing receipts and disbursements and the status of said fund as of December thirty-first of each year, and shall, on or before the first day of February of each year, file one copy thereof with the governor, and one copy with the president-judge of the association of the superior court judges of the state of Washington. The treasurer's account shall be audited at convenient times by the state auditor. The treasurer shall receive no compensation for his services hereunder other than his salary as state treasurer, but he shall be allowed from said fund his actual expenses in connection with his duties hereunder. The moneys in said

"Judges' re-
tirement fund"
—Custody,
depositories,
security.

fund shall be deposited by the treasurer in the name of said fund in such bank or banks as may be directed by the state finance committee. The treasurer shall require from all banks holding deposits of moneys belonging to said fund, deposits of securities or surety company bonds to indemnify said fund against loss, the same as are required of depositaries of state funds, which deposit of securities or surety company bonds shall at all times be ample and sufficient to cover all deposits from said fund.

Passed the House February 21, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 193.

[H. B. 187.]

UNIVERSITY OF WASHINGTON—BUILDINGS AND FACILITIES.

AN ACT relating to the construction, completion and remodeling of buildings and facilities at the University of Washington; authorizing the board of regents thereof to construct and finance the same by the issuance of bonds payable from a special fund into which shall be paid general tuition fees; authorizing the board to make certain covenants in such bonds; authorizing the refunding of such bonds; authorizing the board to accept federal and other grants; authorizing the legislature to provide additional means for raising money for the payment of such bonds; validating bonds heretofore issued; amending section 3, chapter 66, Laws of 1915, as last amended by section 6, chapter 254, Laws of 1957, and RCW 28.77.040; amending sections 1, 2, 3, 4 and 5, chapter 254, Laws of 1957, and RCW 28.77.500, 28.77.510, 28.77.520, 28.77.530 and 28.77.540; adding new sections to chapter RCW 28.77; making an appropriation; and declaring an emergency.

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

SECTION 1. Section 1, chapter 254, Laws of 1957 and RCW 28.77.500 are each amended to read as follows:

RCW 28.77.500 amended.

The board of regents of the University of Washington is empowered, in accordance with the provisions of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Financing, construction, improvement of buildings authorized.

SEC. 2. Section 2, chapter 254, Laws of 1957 and RCW 28.77.510 are each amended to read as follows:

RCW 28.77.510 amended.

The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

Definitions.

(1) The word "board" means the board of regents of the University of Washington.

"Board."

(2) The words "general tuition fees" mean the general tuition fee charged students registering at the university except those students registering in the schools of medicine and dentistry.

"General tuition fees."

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

"Bond retirement fund."

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

"Bonds."

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

"Projects."

SEC. 3. Section 3, chapter 254, Laws of 1957 and RCW 28.77.520 are each amended to read as follows:

RCW 28.77.520 amended.

Additional powers of board.

In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are herein and which may hereafter be authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects.

RCW 28.77.530 amended.

Bonds—Issuance, sale, form, term, covenants.

SEC. 4. Section 4, chapter 254, Laws of 1957 and RCW 28.77.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this act, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington Building Account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

Deposit of proceeds.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington Building Account and shall be used solely for paying the costs of the projects.

RCW 28.77.540 amended.

SEC. 5. Section 5, chapter 254, Laws of 1957 and RCW 28.77.540 are each amended to read as follows:

Bond retirement fund—Composition.

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust

fund to be known as the University of Washington bond retirement fund, the following:

(1) One-half of such general tuition fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each non-resident student per quarter;

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof except as provided in section 6 (5) of this act. As a part of the contract of sale of such bonds, the board undertakes to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

SEC. 6. There is added to chapter 254, Laws of 1957 and to chapter 28.77 RCW a new section to read as follows: New section.

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued; Bonds—
Powers of
board.

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington Building Account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington Building Account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund.

RCW 28.77.040 amended.

SEC. 7. Section 3, chapter 66, Laws of 1915, as last amended by section 6, chapter 254, Laws of 1957, and RCW 28.77.040 are each amended to read as follows:

Disposition of general tuition fees.

Within thirty-five days from the date of collection thereof, all general tuition fees, including general tuition fees to be charged students registering in the Schools of Medicine and Dentistry, shall be paid into the state treasury and credited as follows:

(1) From students registering in the Schools of Medicine and Dentistry, all to the "University of Washington Medical and Dental Building Account";

(2) From all other students, one-half of the general tuition fees paid by them, or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington Bond Retirement fund" and the remainder thereof to the

“University of Washington Building Account.” The sum so credited to the University of Washington Building Account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in section 6 (3) of this act. The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by this chapter except for any sums transferred as authorized in section 6 (5) of this act.

SEC. 8. There is added to chapter 254, Laws of 1957 and to chapter 28.77 RCW a new section to read as follows: New section.

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. The net interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university. Refunding
bonds author-
ized.

SEC. 9. There is added to chapter 254, Laws of 1957 and to chapter 28.77 RCW a new section to read as follows: New section.

Projects authorized.

The legislature hereby authorizes the board to construct, remodel, complete and equip the following projects:

Business Administration Building, completion	\$2,000,000
Hydraulics Building, addition.....	300,000
Miller Hall, renovation.....	250,000
Commerce Hall, renovation.....	200,000
Power Plant, completion.....	400,000
Electrical Distribution System.....	350,000
Research Computer Lab.....	400,000
Library Renovation and Addition....	1,500,000
Reactor Building (Mechanical Engineering Wing)	75,000

Bond issuance authorized.

and in order to pay the cost thereof, to issue bonds in the total principal sum of \$3,900,000 in addition to bonds authorized to pay the cost of projects heretofore authorized.

New section.

SEC. 10. There is added to chapter 254, Laws of 1957 and to chapter 28.77 RCW a new section to read as follows:

Appropriation.

There is hereby appropriated out of the University of Washington building account the sum of five million four hundred seventy thousand dollars, or so much thereof as may be necessary, to be expended by the board of regents of the University of Washington for the projects authorized by this act.

New section.

SEC. 11. There is added to chapter 254, Laws of 1957 and to chapter 28.77 RCW a new section to read as follows:

Prior covenants validated.

Any covenants of the bonds heretofore issued by the University of Washington under the authority of chapter 254, Laws of 1957 not expressly authorized by said chapter but authorized herein are hereby declared to be legal and binding in all respects.

SEC. 12. 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. Emergency.

Passed the House February 24, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 194.

[H. B. 185.]

PER DIEM FOR STATE OFFICIALS AND EMPLOYEES.

AN ACT relating to state government; providing per diem allowance in lieu of subsistence for state officials and employees; amending section 1, chapter 86, Laws of 1943 as last amended by section 1, chapter 259, Laws of 1953, and RCW 43.03.050.

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

SECTION 1. Section 1, chapter 86, Laws of 1943 as last amended by section 1, chapter 259, Laws of 1953, and RCW 43.03.050 are each amended to read as follows: RCW 43.03.050 amended.

The heads of all state departments may prescribe per diem rates of allowance, not exceeding twelve dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington or an adjoining state, and not exceeding fifteen dollars per day while engaged on official business elsewhere. Subsistence allowance for officials and employees.

Passed the House March 6, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 195.

[Sub. H. B. 135.]

TEACHERS LEAVES OF ABSENCE.

AN ACT relating to education; teachers cumulative leave of absence.

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

Teachers' sick leave authorized—Accumulative.

SECTION 1. Every person under contract for a full school year with a school district in a position requiring certification qualification shall be entitled to ten days annual leave of absence for illness or injury. Sick leave not taken shall be accumulated from year to year up to a maximum of one hundred eighty days.

A certified employee, under contract as a part-time employee, shall be entitled to that proportion of ten days leave of absence for illness or injury as the total number of days contracted bears to one hundred and eighty days. Pay for any period of absence shall be the same as the pay the employee would have received by contract for such period of absence.

The contracted sick leave for any school year plus any sick leave previously accumulated may be taken at any time during the school year.

The board of directors of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purposes of this section: *Provided*, A grant of sick leave in excess of five consecutive days must be verified by written statement from a physician.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 196.

[Sub. H. B. 265.]

MENTALLY ILL—APPREHENSION, DETENTION.

AN ACT relating to mentally ill persons; adding a new chapter to Title 71 RCW; amending section 71.02.120, chapter 25, Laws of 1959 and RCW 71.02.120; amending section 71.02-.130, chapter 25, Laws of 1959 and RCW 71.01.130; and declaring an emergency.

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

SECTION 1. There is added to Title 71 RCW a new chapter to read as set forth in sections 2 through 8 of this act. New chapter.

SEC. 2. The term "mentally ill persons" as used in this chapter has the meaning given in RCW 71.02.010. "Mentally ill persons" defined.

SEC. 3. This chapter shall be liberally construed so that mentally ill persons may receive humane care, treatment and custody and be restored to normal mental condition as rapidly as possible. Construction—Purpose.

Nothing in this chapter shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions.

SEC. 4. Whenever any person becomes so mentally ill as to be dangerous to himself or others, or to property, and to require immediate care, treatment, or restraint, any sheriff, peace officer, superintendent, or chief medical officer in charge of a hospital licensed by the state of Washington, who has reasonable cause to believe such is the case, may apprehend and/or detain such person in custody for his best interest and protection pursuant to the provisions of this chapter. Apprehension authorized.

SEC. 5. Whenever any person believed to be mentally ill is apprehended or detained: Procedure upon apprehension.

(1) He and his next of kin shall be advised immediately by such sheriff, peace officer, superintendent, or chief medical officer as to his right to counsel, and shall be allowed to communicate immediately with counsel, of his own choosing.

(2) His legal guardian, spouse, or next of kin, if known, shall be notified of his apprehension or detention by such sheriff, peace officer, superintendent, or chief medical officer, using the quickest means available.

(3) He shall be examined immediately, which shall be within twelve hours thereafter, by a licensed physician and if found not to be mentally ill, he shall be released forthwith.

When mentally ill, procedure.

SEC. 6. If found by the physician to be mentally ill, the person may be admitted and/or detained, and treated in any hospital licensed by the state of Washington or any establishment licensed under the provisions of 71.12 RCW, or in quarters designated by the court for the detention of mentally ill persons, for a period not to exceed seventy-two hours upon the written application of such sheriff, peace officer, superintendent or chief medical officer.

The treatment referred to in this section and the following sections, except for emergency surgery, shall be limited to medications and treatment procedures temporary and moderate in effect, and for the benefit of the person detained, pending court proceedings.

The application shall state the circumstances under which the person's condition was called to the attention of the applicant, and shall contain a signed statement by the examining physician that, in his opinion, the person is mentally ill.

A copy of the application shall be forwarded immediately to the prosecuting attorney or such other person as the superior court of that county may have designated to receive such copies.

SEC. 7. The superintendent or chief medical officer of the hospital, or quarters designated by the court for detention of mentally ill persons, shall detain, care for and treat persons admitted under the provisions of section 6 for a period not to exceed seventy-two hours. Within seventy-two hours the person shall be discharged from the institution in which detained, unless an application be made as provided by RCW 71.02.090 and an order for detention, care and treatment of such person be issued by the court, or unless admitted as a patient under other provisions of law.

Discharge—
Order of
detention.

SEC. 8. The costs of care, treatment and maintenance of all persons detained under the authority of this chapter who are released within seventy-two hours shall be borne by the county, and the county shall enter into agreements with the administrative authorities designated in section 7 and appropriate sufficient funds therefor.

Costs, pay-
ment of.

The county shall have the right to recover from all persons detained under the authority of this chapter less than seventy-two hours for all costs paid by the county: *Provided*, That costs shall not be recoverable from persons detained under this act who are found not to have such mental condition as would render them dangerous to themselves or others.

SEC. 9. Section 71.02.120, chapter 25, Laws of 1959 and RCW 71.02.120 are each amended to read as follows:

RCW 71.02.120
amended.

Upon the filing of such application the court shall issue an order setting a date for hearing and examination. Such application may contain a statement to the effect that immediate apprehension and detention is necessary to safeguard the lives and property of the alleged mentally ill person or others. If such statement is contained in the application, the court shall issue an order of apprehension directing

Detention
following
application.

that the alleged mentally ill person be immediately apprehended and detained for care, treatment and custody pending hearing and examination. The sheriff or other person as designated by the court, shall execute the order of apprehension.

RCW 71.02.130 amended.

SEC. 10. Section 71.02.130, chapter 25, Laws of 1959 and RCW 71.02.130 are each amended to read as follows:

Detention wards, counties.

There shall be set aside in each county of the state of Washington having a county hospital, such portions of such hospital as may be necessary for the detention, observation, and treatment of those persons detained under the provisions of this chapter pending further proceedings. In each such hospital there shall be separate detention wards for males and females. The superior court may order the examination and treatment of such persons by medical personnel for the purpose of obtaining testimony as to the alleged mentally ill person's condition. Such observation and treatment period shall not exceed sixty days unless a jury trial has been demanded: *Provided*, That in all counties having no county hospital, the court may designate as a detention ward the nearest state hospital for the mentally ill or such other place of detention and treatment as it may deem suitable for the purpose of this chapter, and the superintendents of the state hospitals for the mentally ill so designated shall admit such persons committed thereto in accordance with the provisions of this section: *Provided further*, That liability for the cost of detention, observation, and treatment in a state hospital and responsibility for transportation to the hospital and return of the patient to the court shall be upon the county of the committing court.

Examination of patient—Duration.

Costs as to state hospitals, liability for.

Emergency.

SEC. 11. 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 25, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 197.

[S. B. 88.]

EXCISE TAXES—REPORTING, RETURNS, EXEMPTIONS.

AN ACT relating to revenue and taxation; amending section 13, chapter 180, Laws of 1935 and RCW 82.04.490; amending section 23, chapter 180, Laws of 1935 as last amended by section 3, chapter 44, Laws of 1951, and RCW 82.08.070; amending section 25, chapter 180, Laws of 1935 as last amended by section 9, chapter 178, Laws of 1941, and RCW 82.08.090 and 82.08.100; amending section 34, chapter 180, Laws of 1935 as last amended by section 17, chapter 225, Laws of 1939, and RCW 82.12.050; amending section 11, chapter 178, Laws of 1941 and RCW 82.12.060 and 82.12.070; amending section 42, chapter 180, Laws of 1935 and RCW 82.16.070; amending section 34, chapter 389, Laws of 1955 and RCW 82.28.040; amending section 192, chapter 180, Laws of 1935 as last amended by section 1, chapter 110, Laws of 1955, and RCW 82.32.090; amending section 11, chapter 180, Laws of 1935, as last amended by section 2, chapter 249, Laws of 1945, and RCW 82.04.300 through 82.04.420; amending section 39, chapter 180, Laws of 1935 and RCW 82.16.040; amending section 15, chapter 180, Laws of 1935 and RCW 82.04.510; and declaring an emergency with the effective date April 1, 1959.

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

SECTION 1. Section 13, chapter 180, Laws of 1935 and RCW 82.04.490 are each amended to read as follows:

RCW 82.04.490
amended.

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the

B and O tax—
Tax payable
monthly—
Other returns
authorized.

monthly period in which tax accrued. The taxpayer, on or before said fifteenth day of said month, shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign and transmit the same to the commission, together with a remittance for such amount in the form required: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly “estimate of the tax to be due” as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such

additional information as it may deem necessary to correctly determine tax liability.

SEC. 2. Section 23, chapter 180, Laws of 1935 as last amended by section 3, chapter 44, Laws of 1951, and RCW 82.08.070 are each amended to read as follows:

RCW 82.08.070 amended.

Each seller, on or before the fifteenth day of the month succeeding the end of each monthly period, shall make out a return for the preceding monthly period, upon forms to be provided by the commission, setting forth the amount of all sales, nontaxable sales, taxable sales, the amount of tax thereon, and such other information as the commission may require, sign, and transmit the same to the commission: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

Retail sales tax—
Tax payable monthly—
Other returns authorized.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this act.

The commission may also require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this chapter, whether or not collected from the buyer shall be paid by the seller to the commission in installments at the time of transmitting the return above provided for.

SEC. 3. Section 25, chapter 180, Laws of 1935 as last amended by section 9, chapter 178, Laws of 1941 (heretofore divided and codified as RCW 82.08.090 and 82.08.100) is divided and amended as set forth in sections 4 and 5 of this act.

SEC. 4. (RCW 82.08.090) In the case of installment sales and leases with an option to purchase, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In case the consideration for the lease with an option to purchase is not a bona fide consideration or does not represent a reasonable charge therefor, or if the agreement designated as a lease with an option to purchase is in fact not a true lease with

RCW 82.08.090
enacted
without
amendment.

an option to purchase, the commission shall issue equitable rules and regulations for the proper classification of such transaction.

Note: See also section 8, chapter 3, Laws Ex. Sess. 1959.

SEC. 5. (RCW 82.08.100) The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

RCW 82.08.100
amended.
Tax paid on
cash receipts
basis.

Note: See also section 9, chapter 3, Laws Ex. Sess. 1959.

SEC. 6. Section 34, chapter 180, Laws of 1935 as last amended by section 17, chapter 225, Laws of 1939 and RCW 82.12.050 are each amended to read as follows:

RCW 82.12.050
amended.

Each taxpayer subject to the provisions of this chapter shall, on or before the fifteenth day of the month succeeding the end of the monthly period in which the tax accrued, file a return with the commission showing in detail the total quantity of tangible personal property used by him within the state during the preceding monthly period subject to the tax herein imposed, and such other information as the commission may deem pertinent. Each taxpayer shall remit to the commission with his return the amount of tax shown thereon to be due: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the

Use tax—
Tax payable
monthly—
Other returns
authorized.

period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The tax commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this act.

SEC. 7. Section 11, chapter 178, Laws of 1941 (heretofore divided and codified as RCW 82.12.060 and 82.12.070) is divided and amended as set forth in sections 8 and 9 of this act.

SEC. 8. (RCW 82.12.060) In the case of installment sales and leases with an option to purchase, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In case the consideration for the lease with an

RCW 82.12.060
enacted with-
out amend-
ment.

option to purchase is not a bona fide consideration or does not represent a reasonable charge therefor, or if the agreement designated as a lease with an option to purchase is in fact not a true lease with an option to purchase, the tax commission shall issue equitable rules and regulations for the proper classification of such transaction.

Note: See also section 13, chapter 3, Laws Ex. Sess. 1959.

SEC. 9. (RCW 82.12.070) The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

RCW 82.12.070
amended.
Tax paid
on cash
receipts basis.

Note: See also section 14, chapter 3, Laws Ex. Sess. 1959.

SEC. 10. Section 42, chapter 180, Laws of 1935 and RCW 82.16.070 are each amended to read as follows:

RCW 82.16.070
amended.

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued. The taxpayer on or before the fifteenth day of such month shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign, and transmit the same to the commission, together with a remittance for such amount in the form required in chapter 82.32 RCW: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in

Public utility
tax—Tax pay-
able monthly
—Other
returns
authorized.

which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this act.

SEC. 11. Section 34, chapter 389, Laws of 1955 and RCW 82.28.040 are each amended to read as follows:

The taxes imposed hereunder shall be computed for each mechanical device on a calendar month basis and shall be due and payable in monthly in-

RCW 82.28.040
amended.

Mechanical
devices tax—
Tax payable
monthly—
Other returns
authorized.

stallments and remittance therefor shall be made on or before the fifteenth day of each month of each calendar year next succeeding the end of the monthly period in which the tax accrued. The taxpayer, on or before said fifteenth day of such month, shall make out and sign a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period and transmit it to the commission, together with a remittance for such amount in the form required: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such

taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Penalty when machines not reported.

A return shall be filed for each mechanical device registered with the commission, whether or not the machine was in actual operation during the monthly period for which the return is made, and whether or not any tax liability was incurred with respect to the operation of the machine during such monthly period, and for failure to file a return for any such machine the commission may assess a penalty in the amount of not to exceed twenty-five dollars for each machine not reported, which penalty shall be collected in the same manner as the taxes imposed by this chapter. A taxpayer may report any number of machines on a single return if appropriate information is attached to such single return stating the registration number of each machine reported, the location at which it was operated, and the gross operating income therefrom.

RCW 82.32.090 amended.

SEC. 12. Section 192, chapter 180, Laws of 1935 as last amended by section 1, chapter 110, Laws of 1955, and RCW 82.32.090 are each amended to read as follows:

Administrative provisions—Late payments—Penalties.

If payment of any tax due is not received by the tax commission by the twenty-fifth day of the month in which the tax becomes due, there may be added to the tax a penalty of ten percent of the amount of the tax; and if the tax is not received within forty days of the due date, there may be added an additional penalty of five percent of the amount of the tax; and if the tax is not received within seventy days of the due date, there may be added an additional penalty of five percent of the amount of the

tax; but none of the penalties so added shall be less than one dollar.

If a warrant be issued by the tax commission for the collection of taxes, increases, and penalties, there may be added thereto a penalty of five percent of the amount of the tax, but not less than one dollar.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, but shall in no case be less than the minimum penalties prescribed herein.

SEC. 13. Section 11, chapter 180, Laws of 1935, as last amended by section 2, chapter 249, Laws of 1945 (heretofore divided and codified as RCW 82.04.300 through 82.04.420) is divided and amended as set forth in sections 14 through 26 of this act.

SEC. 14. (RCW 82.04.300) This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270 and 82.04.280 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than three hundred dollars per month: *Provided*, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed three hundred dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

RCW 82.04.300 amended.
B and O tax—Exemptions.
Application of chapter—Exemption based on bimonthly gross.

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than eighteen hundred dollars per year: *Provided*, That where one person engages in more than one business activity and the combined measures of

tax applicable to such business equals or exceeds eighteen hundred dollars, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: *Provided, further,* That the tax commission may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Note: See also section 7, chapter 5, Laws Ex. Sess. 1959.

RCW 82.04.310
enacted
without
amendment.

SEC. 15. (RCW 82.04.310) This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 82.16.

RCW 82.04.320
enacted
without
amendment.

SEC. 16. (RCW 82.04.320) This chapter shall not apply to any person in respect to insurance business upon which a tax based on gross premiums is paid to the state: *Provided,* That the provisions of this 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: *Provided further,* That the provisions of this 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.

RCW 82.04.330
enacted
without
amendment.

SEC. 17. (RCW 82.04.330) This chapter shall not apply to 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 produce 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 stockyard or a slaughter or packing house; nor to any association of persons, whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

SEC. 18. (RCW 82.04.340) This chapter shall not apply to any person in respect to the business of conducting boxing contests and sparring or wrestling matches and exhibitions for the conduct of which a license must be secured from the state athletic commission.

RCW 82.04.340
enacted
without
amendment.

SEC. 19. (RCW 82.04.350) This chapter shall not apply to 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.

RCW 82.04.350
enacted
without
amendment.

SEC. 20. (RCW 82.04.360) This chapter shall not apply to any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor.

RCW 82.04.360
enacted
without
amendment.

SEC. 21. (RCW 82.04.370) This chapter shall not apply to fraternal benefit societies or fraternal fire insurance associations, as described in Title 48; nor to beneficiary corporations or societies organized under and existing by virtue of Title 24, if such beneficiary corporations or societies provide in their bylaws for the payment of death benefits.

RCW 82.04.370
enacted
without
amendment.

SEC. 22. (RCW 82.04.380) This chapter shall not apply to 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

RCW 82.04.380
enacted
without
amendment.

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.

RCW 82.04.390
enacted
without
amendment.

SEC. 23. (RCW 82.04.390) This chapter shall not apply to amounts derived from the lease, rental, or sale of real estate. This however, shall not 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.

Note: See also section 8, chapter 5, Laws Ex. Sess. 1959.

RCW 82.04.400
enacted
without
amendment.

SEC. 24. (RCW 82.04.400) This chapter shall not apply to national banks, state banks, trust companies, mutual savings banks, building and loan and savings and loan associations with respect to their banking, trust, or savings and loan business but shall apply with respect to their engaging in any other business taxable hereunder, even though such other business is conducted primarily for the purpose of liquidating the assets thereof.

RCW 82.04.410
enacted
without
amendment.

SEC. 25. (RCW 82.04.410) This chapter shall not apply to amounts derived by persons engaged in operating chick hatcheries from the production and sale of chicks and hatching eggs.

RCW 82.04.420
enacted
without
amendment.

SEC. 26. (RCW 82.04.420) This chapter shall not apply to 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 chapter 82.28 of this title.

RCW 82.16.040
amended.

SEC. 27. Section 39, chapter 180, Laws of 1935 and RCW 82.16.040 are each amended to read as follows:

The provisions of this chapter shall not apply to persons engaging in one or more businesses taxable under this chapter whose total gross operating revenue is less than five hundred dollars for a monthly period or portion thereof. Any person claiming exemption under this section may be required to file returns even though no tax may be due. If the total gross operating revenue for a taxable monthly period is five hundred dollars, or more, no exemption or deductions from the gross operating revenue is allowed by this provision.

Public utility
tax—
Exemption.

Note: See also section 17, chapter 3, Laws Ex. Sess. 1959.

SEC. 28. Section 15, chapter 180, Laws of 1935 and RCW 82.04.510 are each amended to read as follows:

RCW 82.04.510
amended.

All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter. Taxpayers submitting monthly estimates of taxes due under this chapter shall be subject to the provisions of chapter 82.32 if they fail to remit ninety percent of the taxes actually collected or due for the reporting period.

General ad-
ministrative
provisions
invoked.

SEC. 29. 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, 1959.

Emergency.

SEC. 30. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 7, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 198.

[S. B. 203.]

STATE FERRIES—LUMMI ISLAND TO ORCAS ISLAND.

AN ACT relating to the Puget Sound ferry system; and authorizing and directing the Washington toll bridge authority to establish and operate a ferry service from Lummi Island to Orcas Island.

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

Ferry service authorized.

SECTION 1. The Washington toll bridge authority is hereby authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of such ferry service shall not begin until Whatcom county has completed the construction of such bridge.

Contingency.

Passed the Senate February 26, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 199.

[Sub. S. B. 458.]

STATE FERRIES—TARIFFS AND CHARGES.

AN ACT relating to the Washington state ferries, providing for a review of certain operations thereof, the appointment of an advisory committee, and declaring an emergency.

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

Review of charges authorized.

SECTION 1. The Washington toll bridge authority is hereby authorized and directed to review tariffs and charges as applicable to the operation of the

Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

SEC. 2. The review is to include but shall not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the authority as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the authority to be properly within the scope of the review. The authority is further authorized and directed to make a like review within every three year period.

Scope of
review.

SEC. 3. The authority is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the authority is hereby directed to advise the board of county commissioners of each county wherein a terminal of the Washington state ferries is located prior to the time that the review is to be commenced, and each board of county commissioners is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the authority or its designated representative in such review. The committees to be appointed by the boards of county commissioners shall serve without fee or compensation. It is not the intent of this act that any powers or

Local ex-
pressions to
be obtained—
Advisory
committees.

duties now prescribed and delegated to the authority shall be assumed by any other board or committee.

Prerequisites
to change in
charges.

SEC. 4. No change in tariff shall be considered by the authority unless said authority shall first have obtained the approval of the consulting engineer appointed by the authority to serve for the account of the Washington state ferries. Further, no change in tariff shall be considered by the authority that can be construed as contrary to the provisions of the governing bond resolutions then presently outstanding between the authority and the holders of bonds which have theretofore been sold by the authority in connection with financing related to the Washington state ferries.

Emergency.

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 2, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 200.

[Sub. S. B. 130.]

SANITARIANS.

AN ACT relating to public health; creating the Washington state board of registered sanitarians and fixing the compensation of such board; providing for the examination and registration of sanitarians; and prescribing fees and penalties; and making an appropriation.

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

SECTION 1. As used in this act:

⁰ Definitions.
"Sanitarian."

(1) "Sanitarian" is a person who has fitted himself by suitable specialized study in the basic sciences, sanitary sciences, administration, education and the

humanities and with suitable experience in the application of the principles of sanitary science to protect the public from the many health hazards resulting from an increasingly complex environment. He applies the principles of sanitary science to the investigation, evaluation and interpretation of environmental health needs in order to secure necessary sanitary improvements in environmental factors such as but not limited to milk and food, private water and sewage, vector control, refuse disposal and housing.

(2) "Board" or "Examining Board" means the Washington state board of registered sanitarians.

"Board," "Examining Board."

(3) "Director" means the director of licenses.

"Director."

SEC. 2. (1) The governor of the state of Washington shall appoint an examining board, which shall be known as the "Washington State Board of Registered Sanitarians", consisting of three members, all of whom shall be sanitarians qualified for registration under this act, each of whom shall be a citizen of the United States. The initial appointments shall be made by July 1, 1959, from a list of not less than six names submitted to the governor by the Washington state association of sanitarians. The members of the first board shall serve for the following terms: One member for a period of three years, one member for a period of two years, and one member for a period of one year. Thereafter as the term of each member expires all appointments shall be for a period of three years or until their successors are appointed. These appointments shall be made from a list broadly representative of the sanitarians in the state and shall be certified to the governor by the Washington state association of sanitarians. A member of the examining board may be removed by the governor for any of the causes specified in section 6 of this act.

Board established—
Members—
Terms.

Duties of
Board.

(2) The examining board shall conduct examinations in the state for the purpose of determining the qualifications of persons who apply for registration under this act. The board may adopt, amend or rescind such rules and regulations as it may deem necessary to carry out the provisions of this act.

Compensation,
expenses, of
board.

(3) Each member of the board shall receive as compensation twenty dollars for each day or portion thereof in which he is actually engaged in the business and duties of the board, and all legitimate and necessary expenses incurred in the business of the board and in attending meetings thereof. Compensation for such necessary expenses shall not exceed that authorized for state employees.

Registration—
Qualifications
for.

SEC. 3. Any person may apply to the director of licenses for registration on forms provided for that purpose. The board shall carefully evaluate the evidence submitted and shall certify to the director of licenses any applicant of good moral character who meets one of the following qualifications:

(1) Graduated from a college or university recognized by the American council of education as qualified to issue a bachelor of science degree or equivalent degree, with a bachelor of science degree or equivalent degree in public health, sanitary science, bacteriology, dairy science, veterinary medicine, engineering or a basic natural or physical science related to public health sanitation and employed full time as a sanitarian for a period of six months and passed an examination administered by the director under supervision of the board pursuant to the provisions of this act or the rules and regulations promulgated pursuant thereto.

(2) Is employed full time as a sanitarian in the state of Washington on January 1, 1960, and who has applied for registration on or before July 1, 1960.

SEC. 4. Applicants for registration shall pay a fee of twenty-five dollars at the time of making application. A sanitarian registered under the provisions of this act may renew his certificate by paying an annual renewal fee of ten dollars. All receipts realized in the administration of this act shall be paid into the General Fund into a special account to be known as the Sanitarians' Licensing Account. At the end of each biennium all moneys in said account in excess of two thousand dollars shall be removed from said account and placed in the General Fund. There is hereby appropriated from the General Fund to the Professional Division of the Department of Licenses two thousand dollars to be placed in the Sanitarians' Licensing Account, and to be administered and disbursed by the Director of Licenses in carrying out the provisions of this act. All fees shall be due and payable on or before the first day of July for the current year for which the renewal certificate shall be issued. All certificates shall expire on the renewal date unless renewed prior to such date. When such fees are not paid in full before September 1st they shall become delinquent and there shall be added to the renewal fee a penalty of five dollars. Any certificate not having been renewed by October 1st of the year of expiration shall be considered lapsed. In the event an applicant shall fail to pass any examinations provided for under this act and the board shall grant permission for a reexamination, such applicant on reexamination shall pay an additional fee of fifteen dollars.

Registration
fee—Renewal
fee—Dispo-
sition of fees.

Appropriation.

Penalty fee.

Reexamina-
tion fee.

SEC. 5. The board upon written application together with such references and proof as it may prescribe, shall certify to the director of licenses without examination any person who is registered as a sanitarian under the laws of any other state, the requirements of which for receiving such registration were at the time such registration was issued,

Out-of-state
registrant.

equal to the requirements so imposed by this state for registration of sanitarians. The application fee for an applicant by reciprocity shall be notwithstanding any other provisions of this act the sum of fifteen dollars.

Suspension,
revocation
of registration.

SEC. 6. The director, together with a majority of members of the board, shall have the power to revoke or suspend the certificate of registration of any registrant for unprofessional conduct or the practice of any fraud or deceit in obtaining registration, or any gross negligence, incompetency or misconduct in the practice of professional sanitation, or upon conviction of any crime involving moral turpitude; *Provided, however,* That no such revocation of certificate shall become effective until after a hearing, duly noticed, is held and the registrant given the opportunity to appear and answer the charges which have been filed against him with the board.

Registration
required—
Violation,
misdemeanor.

SEC. 7. After July 1, 1959, no person shall use, assume or advertise in any way any title or description tending to convey the impression that he is a registered sanitarian unless he is a holder of a current certificate of registration as provided in this act. A holder of a current certificate of registration is entitled to append to his name the letters, "R.S.". Nothing in this section shall be construed to prevent anyone from using the title sanitarian. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Severability.

SEC. 8. If any part, or parts, of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein.

Passed the Senate February 27, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 201.

[Second Sub. S. B. 376.]

COUNTY AND REGIONAL PLANNING.

AN ACT relating to county and regional planning; authorizing the creation and organization of planning agencies, boards of adjustment, and zoning adjustors; defining their powers and duties; and prescribing procedures.

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

SECTION 1. *Purpose and Intent.* The purpose and intent of this chapter is to provide the authority for, and the procedures to be followed in, guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

SEC. 2. *Definitions.* The following words or terms as used in this chapter shall have the following meaning unless a different meaning is clearly indicated by the context.

(1) "Approval by motion" is a means by which a board, through other than by ordinance, approves and records recognition of a comprehensive plan or amendments thereto.

(2) "Board" means the board of county commissioners.

(3) "Certification" means the affixing on any map or by adding to any document comprising all or any portion of a comprehensive plan a record of the dates of action thereon by the commission and

by the board, together with the signatures of the officer or officers authorized by ordinance to so sign.

"Commission." (4) "Commission" means a county or regional planning commission.

"Commissioners." (5) "Commissioners" means members of a county or regional planning commission.

"Comprehensive plan." (6) "Comprehensive plan" means the policies and proposals approved and recommended by the planning agency or initiated by the board and approved by motion by the board (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in section 33 and may also include the optional elements set forth in section 35 hereof which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

"Conditional use." (7) "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment, or zoning adjustor if there be such, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the county ordinances specify the standards and criteria that shall be applied.

"Department." (8) "Department" means a planning department organized and functioning as any other department in any county.

(9) "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan. "Element."

(10) "Ex officio member" means a member of the commission who serves by virtue of his official position as head of a department specified in the ordinance creating the commission. "Ex officio member."

(11) "Official controls" means legislatively-defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps. "Official controls."

(12) "Ordinance" means a legislative enactment by a board; in this chapter the word, "ordinance", is synonymous with the term "resolution", as representing a legislative enactment by a board of county commissioners. "Ordinance."

(13) "Planning agency" means (a) a planning commission, together with its staff members, employees and consultants, or (b) a department organized and functioning as any other department in any county government together with its planning commission. "Planning agency."

(14) "Variance". A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges. "Variance."

Commission
—Creation.

SEC. 3. *Commission—Creation.* By ordinance a board may create a planning commission and provide for the appointment by the commission of a director of planning.

Department—
Creation.

SEC. 4. *Department—Creation.* By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in section 3 herein, create a planning department which shall be organized and function as any other department of the county. When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

Authority
for planning.

SEC. 5. *Authority for Planning.* Upon the creation of a planning agency as authorized in sections 3 and 4 herein, a county may engage in a planning program as defined by this chapter. Two or more counties may jointly engage in a planning program as defined herein for their combined areas.

Regional
planning
commission—
Appointment
and powers.

SEC. 6. *Regional Planning Commission—Appointment and Powers.* Two or more counties may form and organize a regional planning commission and provide for the administration of its affairs. Such regional planning commission may carry on a planning program involving the same subjects and procedures provided by this chapter for planning by counties, provided this authority shall not in-

clude enacting official controls other than by the individual participating counties. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission and provide for allocating the cost of financing the work shall be vested individually in the boards of the participating counties.

Any regional planning commission or county participating in any regional planning district are authorized to receive grants-in-aid from, or enter into reasonable agreement with any department or agency of the government of the United States or of the state of Washington to arrange for the receipt of federal funds and state funds for planning in the interests of furthering the planning program.

SEC. 7. *Commission—Composition.* Whenever a commission is created by a county, it shall consist of five, seven, or nine members as may be provided by ordinance: *Provided*, That where a commission, on the effective date of this chapter, is operating with more than nine members, no further appointments shall be made to fill vacancies for whatever cause until the membership of the commission is reduced to five, seven or nine, whichever is the number specified by the county ordinance under this chapter. Departments of a county may be represented on the commission by the head of such departments as are designated in the ordinance creating the commission, who shall serve in an ex officio capacity, but such ex officio members shall not exceed one of a five-member commission, two of a seven-member commission, or three of a nine-member commission. At no time shall there be more than three ex officio members serving on a commission: *Provided further*, That in lieu of one ex officio member, only, one employee of the county other than a

Commission.
Composition.

department head may be appointed to serve as a member of the commission.

—Appoint-
ment—County.

SEC. 8. ————*Appointment—County.* The members of a commission shall be appointed by the chairman of the board with the approval of a majority of the board: *Provided*, That each member of the board shall submit to the chairman a list of nominees residing in his commissioner district, and the chairman shall make his appointments from such lists so that as nearly as mathematically possible, each commissioner district shall be equally represented on the commission.

—Member-
ship—Terms.
Existing
Commissions.

SEC. 9. ————*Membership—Terms. Existing Commissions.* When a commission is created after the effective date of this chapter, the first terms of the members of the commission consisting of five, seven, and nine members, respectively, other than ex officio members, shall be as follows:

(1) For a five-member commission—one, shall be appointed for one year; one, for two years; one, for three years; and two, for four years.

(2) For a seven-member commission—one, shall be appointed for one year; two, for two years; two, for three years; and two, for four years.

(3) For a nine-member commission—two, shall be appointed for one year; two, for two years; two, for three years; and three, for four years.

Thereafter, the successors to the first member shall be appointed for four year terms: *Provided*, That where the commission includes one ex officio member, the number of appointive members first appointed for a four-year term shall be reduced by one; if there are to be two ex officio members, the number of appointive members for the three-year and four-year terms shall each be reduced by one; if there are to be three ex officio members, the number of appointive members for the four-year term, the three-year term, and the two-year term

shall each be reduced by one. The term of an ex officio member shall correspond to his official tenure: *Provided further*, That where a commission, on the effective date of this chapter, is operating with members appointed for longer than four-year terms, such members shall serve out the full term for which they were appointed, but their successors, if any, shall be appointed for four-year terms.

SEC. 10. ————*Vacancies*. Vacancies occurring for any reason other than the expiration of the term shall be filled by appointment for the unexpired portion of the term except if, on the effective date of this chapter, the unexpired portion of a term is for more than four years the vacancy shall be filled for a period of time that will obtain the maximum staggered terms, but shall not exceed four years. Vacancies shall be filled from the same commissioner district as that of the vacating member. —Vacancies.

SEC. 11. ————*Removal*. After public hearing, any appointee member of a commission may be removed by the chairman of the board, with the approval of the board, for inefficiency, neglect of duty, or malfeasance in office. —Removal.

SEC. 12. ————*Officers*. Each commission shall elect its chairman and vice chairman from among the appointed members. The commission shall appoint a secretary who need not be a member of the commission. —Officers.

SEC. 13. *Planning Agency—Meetings*. Each planning agency shall hold not less than one regular meeting in each month: *Provided*, That if no matters over which the planning agency has jurisdiction are pending upon its calendar, a meeting may be canceled. Planning agency. Meetings.

SEC. 14. ————*Rules and Records*. Each planning agency shall adopt rules for the transaction of —Rules and records.

its business and shall keep a public record of its transactions, findings, and determinations.

—Joint meetings.

SEC. 15. ————*Joint Meetings.* Two or more county planning agencies in any combination may hold joint meetings and by approval of their respective boards may have the same chairman.

Director. Appointment.

SEC. 16. *Director—Appointment.* If a director of planning is provided for, he shall be appointed:

(1) By the commission when a commission is created under section 3 of this chapter;

(2) If a planning department is established as provided in section 4 of this chapter, then he shall be appointed by the board.

Employees.

SEC. 17. *Employees.* The director of planning shall be authorized to appoint such employees as are necessary to perform the duties assigned to him within the budget allowed.

Joint director.

SEC. 18. *Joint Director.* The boards of two or more counties or the legislative bodies of other political subdivisions or special districts may jointly engage a single director of planning and may authorize him to employ such other personnel as may be necessary to carry out the joint planning program.

Special services.

SEC. 19. *Special Services.* Each planning agency, subject to the approval of the board, may employ or contract with the planning consultants or other specialists for such services as it requires.

Board of adjustment. Zoning adjustor.

SEC. 20. *Board of Adjustment—Creation Zoning Adjustor.* Whenever a board shall have created a planning agency, it shall also by ordinance, coincident with the enactment of a zoning ordinance, create a board of adjustment, and may establish the office of zoning adjustor: *Provided,* That any county that has prior to the effective date of this chapter, enacted a zoning ordinance, shall, within ninety days

of the effective date of this chapter, create a board of adjustment.

SEC. 21. ————*Membership.* A board of ad-
 justment shall consist of three or five members as
 may be provided by ordinance. —Membership.

SEC. 22. ————*Appointment.* *Appointment of*
Zoning Adjustor. The members of a board of ad-
 justment and the zoning adjustor shall be appointed
 in the same manner as provided for the appointment
 of commissioners in section 8. One member of the
 board of adjustment may be an appointee member
 of the commission. —Appoint-
ment.
Appointment
of zoning
adjustor.

SEC. 23. ————*Terms.* If the board of adjust-
 ment is to consist of three members, when it is first
 appointed after the effective date of this chapter,
 the first terms shall be as follows: One shall be
 appointed for one year; one, for two years; and one,
 for three years. If it consists of five members, when
 it is first appointed after the effective date of this
 chapter, the first terms shall be as follows: One
 shall be appointed for one year; one, for two years;
 one, for three years; one, for four years; and one,
 for six years. Thereafter the terms shall be for six
 years and until their successors are appointed and
 qualified. —Terms.

SEC. 24. ————*Vacancies.* Vacancies in the
 board of adjustment shall be filled by appointment
 in the same manner in which the commissioners are
 appointed in section 8. Appointment shall be for
 the unexpired portion of the term. —Vacan-
cies.

SEC. 25. ————*Removal.* Any member of the
 board of adjustment may be removed by the chair-
 man of the board with the approval of the board for
 inefficiency, neglect of duty or malfeasance in office. —Removal.

SEC. 26. ————*Organization.* The board of ad-
 justment shall elect a chairman and vice chairman
 from among its members. The board of adjustment —Organi-
zation.

shall appoint a secretary who need not be a member of the board.

—Meetings.

SEC. 27. ————*Meetings.* The board of adjustment shall hold not less than one regular meeting in each month of each year: *Provided*, That if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled.

—Rules.

SEC. 28. ————*Rules.* The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

Appropriation for planning agency.

SEC. 29. *Appropriation for Planning Agency.* The board shall provide the funds, equipment and accommodations necessary for the work of the planning agency. Such appropriations may include funds for joint ventures as set forth in section 18 herein. The expenditures of the planning agency, exclusive of gifts, shall be within the amounts appropriated for the respective purposes. The provisions herein for financing the work of the planning agencies shall also apply to the board of adjustment and the zoning adjutor.

Accept gifts.

SEC. 30. *Accept Gifts.* The planning agency of a county may accept gifts in behalf of the county to finance any planning work authorized by law.

Conference and travel expenses of commission, staff.

SEC. 31. *Conference and Travel Expenses—Commission Members and Staff.* Members of planning agencies shall inform themselves on matter affecting the functions and duties of planning agencies. For that purpose, and when authorized, such members may attend planning conferences, meetings of planning executives or of technical bodies; hearings on planning legislation or matters relating to the work of the planning agency. The reasonable travel expenses, registration fees and other costs incident to such attendance at such meetings and conferences

shall be charges upon the funds allocated to the planning agency. In addition, members of a commission may also receive reasonable travel expenses to and from their usual place of business to the place of a regular meeting of the commission. The planning agency may, when authorized, pay dues for membership in organizations specializing in the subject of planning. The planning agency may, when authorized, subscribe to technical publications pertaining to planning.

SEC. 32. *Comprehensive Plan.* Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county. The plan shall be referred to as the comprehensive plan and, after hearings by the commission and approval by motion of the board, shall be certified as the comprehensive plan. Amendments or additions to the comprehensive plan shall be similarly processed and certified.

Compre-
hensive plan.

SEC. 33. ————*Required Elements.* The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

——Required
elements.

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan;

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

—Amplification of required elements.

SEC. 34. ————*Amplification of required Elements.* When the comprehensive plan containing the mandatory subjects as set forth in section 33 herein shall have been approved by motion by the board and certified, it may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the required elements set forth in section 33 herein and by adding provisions and proposals for the optional elements set forth in section 35 herein. The comprehensive plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the county. In no case shall the comprehensive plan, whether in its entirety or area by area or subject by subject be considered to be other than in such form as to serve as a guide to the later development and adoption of official controls.

—Optional elements.

SEC. 35. ————*Optional Elements.* A comprehensive plan may include—

(1) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources,

(2) a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development,

(3) a transportation element showing a comprehensive system of transportation, including general locations of rights-of-way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities,

(4) a transit element as a special phase of transportation, showing proposed systems of rail transit lines, including rapid transit in any form, and related facilities,

(5) a public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities, and rights-of-way, easements and facilities for such services,

(6) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings,

(7) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning, traffic, and other related matters,

(8) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law,

(9) a plan for financing a capital improvement program,

(10) as a part of a comprehensive plan the commission may prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.

—Cooperation with affected agencies.

SEC. 36. ————*Cooperation With Affected Agencies.* During the formulation of the comprehensive plan, and especially in developing a specialized element of such comprehensive plan, the planning agency may cooperate to the extent it deems necessary with such authorities, departments or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum correlation and coordination of plans may be secured and properly located sites for all public purposes may be indicated on the comprehensive plan.

—Filing of copies.

SEC. 37. ————*Filing of Copies.* Whenever a planning agency has developed a comprehensive plan, or any addition or amendment thereto, covering any land outside of the boundaries of the county as provided in section 32 herein, copies of any features of the comprehensive plan extending into an adjoining jurisdiction shall for purposes of information be filed with such adjoining jurisdiction.

—Public hearing required.

SEC. 38. ————*Public Hearing Required.* Before approving all or any part of the comprehensive plan or any amendment, extension or addition thereto, the commission shall hold at least one public hearing and may hold additional hearings at the discretion of the commission.

—Notice of hearing.

SEC. 39. ————*Notice of Hearing.* Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official

gazette, if any, of the county, at least ten days before the hearing.

SEC. 40. ————*Approval—Required Vote—Record.* The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than two-thirds of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

—Approval
—Required
vote—Record.

SEC. 41. ————*Amendment.* When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

—Amend-
ment.

SEC. 42. ————*Referral to Board.* A copy of a comprehensive plan or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the board for the purpose of being approved by motion and certified as provided in this chapter.

—Referral
to board.

SEC. 43. ————*Board May Initiate or Change—Notice.* When it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the board may initiate consideration of a comprehensive plan, or any element or part thereof, or any

—Board
may initiate
or change
—Notice.

change in or addition to such plan or recommendation. The board shall first refer the proposed plan, change or addition to the planning agency for a report and recommendation. Before making a report and recommendation, the commission shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

—Board
may approve
or change
—Notice.

SEC. 44. ————*Board May Approve or Change —Notice.* After the receipt of the report and recommendations of the planning agency on the matters referred to in section 43 herein, or after the lapse of the prescribed time for the rendering of such report and recommendation by the commission, the board may approve by motion and certify such plan, change or addition without further reference to the commission: *Provided*, That the plan, change or addition conforms either to the proposal as initiated by the county or the recommendation thereon by the commission: *Provided further*, That if the planning agency has failed to report within a ninety day period, the board shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing. Thereafter, the board may proceed to approve by motion and certify the proposed comprehensive plan or any part, amendment or addition thereto.

Planning
agency. Re-
lating projects
to comprehen-
sive plan.

SEC. 45. *Planning Agency—Relating Projects to Comprehensive Plan.* After a board has approved by motion and certified all or parts of a comprehensive plan for a county or for any part of a county,

the planning agency shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the planning agency on any such project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the planning agency finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the board on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated.

SEC. 46. ————*Annual Report.* After all or part of the comprehensive plan of a county has been approved by motion and certified, the planning agency shall render an annual report to the board on the status of the plan and accomplishments thereunder. —Annual report.

SEC. 47. ————*Promotion of Public Interest in Plan.* Each planning agency shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related to it. —Promoting interest in plan.

SEC. 48. ————*Cooperation With Agencies.* Each planning agency shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan. —Cooperation with agencies.

SEC. 49. *Information to be Furnished Agency.* Upon request, all public officials or agencies shall furnish to the planning agency within a reasonable —Information furnished.

time such available information as is required for the work of the planning agency.

Right of entry
—Commission
and staff.

SEC. 50. *Right of Entry—Commission and Staff.* In the performance of their functions and duties, duly authorized members of a commission or planning staff may enter upon any land and make examinations and surveys: *Provided*, That such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Special
referred
matters—
Reports.

SEC. 51. *Special Referred Matters—Reports.* By general or special rule the board creating a planning agency may provide that other matters shall be referred to the planning agency before final action is taken thereupon by the board or officer having final authority on the matter, and final action thereon shall not be taken upon the matter so referred until the planning agency has submitted its report within such period of time as the board shall designate. In reporting upon the matters referred to in this section the planning agency may make such investigations, maps, reports and recommendations as it deems desirable.

Required sub-
mission of
projects.

SEC. 52. *Required Submission of Capital Expenditure Projects.* At least five months before the end of each fiscal year each county officer, department, board or commission and each governmental body whose jurisdiction lies entirely within the county, except incorporated cities and towns, whose functions include preparing and recommending plans for, or constructing major public works, shall submit to the respective planning agency a list of the proposed public works being recommended for initiation or construction during the ensuing fiscal year.

Relating
projects to
plan.

SEC. 53. *Relating Capital Expenditure Projects to Comprehensive Plan.* The planning agency shall

list all such matters referred to in section 52 herein and shall prepare for and submit a report to the board which report shall set forth how each proposed project relates to all other proposed projects on the list and to all features in the comprehensive plan both as to location and timing. The planning agency shall report to the board through the planning director if there be such.

SEC. 54. *Referral Procedure—Reports.* Whenever a board has approved by motion and certified all or part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the board, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the board or other governmental officer or body may indicate, shall be deemed to be approval.

**Referral procedure.
Reports.**

SEC. 55. *Official Controls.* From time to time, the planning agency may, or if so requested by the board shall, cause to be prepared official controls which, when adopted by ordinance by the board, will further the objectives and goals of the compre-

Official controls.

hensive plan. The planning agency may also draft such regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the planning agency may recommend such plans, regulations, programs and legislation to the board for adoption.

—Forms of controls.

SEC. 56. ————*Forms of Controls.* Official controls may include:

(1) Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(2) Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights of way against encroachment by buildings, other physical structures or facilities;

(3) Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

(4) Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements.

—Adoption.

SEC. 57. ————*Adoption.* Official controls shall be adopted by ordinance and shall further the purpose and objectives of a comprehensive plan and parts thereof.

SEC. 58. ————*Public Hearing by Commission.* —Public hearing.
 Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.

SEC. 59. ————*Notice of Hearing.* —Notice of hearing.
 Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.

SEC. 60. ————*Recommendation to Board—Required Vote.* —Recommendation to board—Required vote.
 The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than two-thirds of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

SEC. 61. ————*Reference to Board.* —Reference to board.
 A copy of any official control or amendment recommended pursuant to sections 55, 56, 57 and 58 shall be submitted to the board not later than fourteen days following the hearing by the commission and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing,

and analysis of findings considered by the commission to be controlling.

—Action
by board.

SEC. 62. ————*Action by Board.* Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment.

—Changes
referred to
planning
agency—
Adoption.

SEC. 63. ————*Changes to be Referred to Planning Agency—Adoption.* If after considering the matter at a public meeting as provided in section 62 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until it has been referred to the planning agency for a hearing and report. The report shall contain the findings of fact of the commission together with a statement setting forth the factors considered at the hearing and an analysis of findings considered by the commission to be controlling. Before making said report and recommendation, the planning agency shall hold at least one public hearing giving notice therefor as provided in section 59. Failure of the planning agency to make its report within sixty days after the reference, or such longer period as may be designated by the board, shall be deemed to be approval of the proposed change. After receipt of the report of the commission or after the time in which the commission may report has elapsed, the board may proceed to adopt the recommended official control: *Provided*, That the official control, change or addition thereto, conforms either to the proposal as initiated by the board or the recommendation of the commission: *Provided further*, That should the board desire to adopt any official control which the planning agency refused to approve or which is contrary to the findings and recommendations of the planning agency, it may

do so. However, before any such action is taken, the board shall conduct its own public hearing, giving notice thereof as provided in section 59 herein, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

SEC. 64. ————*Board May Initiate.* When it deems it to be for the public interest, the board may initiate consideration of an ordinance establishing an official control, or amendments to an existing official control, including those specified in section 56 herein. The board shall first refer the proposed official control or amendment to the planning agency for report which shall, thereafter, be considered and processed in the same manner as that set forth in section 63 herein regarding a change in the recommendation of the planning agency.

—Board
may initiate.

SEC. 65. *Board Final Authority.* The report and recommendation by the planning agency, whether on a proposed control initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory only and the final determination shall rest with the board.

Board final
authority.

SEC. 66. *Procedures for Adoption of Controls Limited to Planning Matters.* The provisions of this chapter with references to the procedures to be followed in the adoption of official controls shall apply only to establishing official controls pertaining to subjects set forth in section 56 herein.

Provisions
limited in
scope.

SEC. 67. *Enforcement—Official Controls.* The board may determine and establish administrative rules and procedures for the application and enforcement of official controls, and may assign or delegate such administrative functions, powers and duties to such department or official as may be appropriate.

Enforcement
—Official
controls.

Subdividing
and platting.

SEC. 68. *Subdividing and Platting.* The planning agency shall review all proposed land plats and subdivisions and make recommendations to the board thereon with reference to approving, or recommending any modifications necessary to assure conformance to the general purposes of the comprehensive plan and to standards and specifications established by state law or local controls.

County
improvements.

SEC. 69. *County Improvements.* No county shall improve any street or lay or authorize the laying of sewers or connections or other improvements to be laid in any street within any territory for which the board has adopted an official control in the form of precise street map or maps, until the matter has been referred to the planning agency by the department or official having jurisdiction for a report thereon and a copy of the report has been filed with the department or official making the reference unless one of the following conditions apply:

(1) The street has been accepted, opened, or has otherwise received legal status of a public street;

(2) it corresponds with and conforms to streets shown on the official controls applicable to the subject;

(3) it corresponds with and conforms to streets shown on a subdivision (land plat) approved by the board.

Planning
agency—Time
limit for
report.

SEC. 70. *Planning Agency—Time Limit for Report.* Failure of the planning agency to report on the matters referred to in section 69 herein within forty days after the reference, or such longer period as may be designated by the board, department or official making the reference, shall be deemed to be approval of such matter.

Final
authority.

SEC. 71. *Final Authority.* Reports and recommendations by the planning agency on all matters shall be advisory only, and final determination shall

rest with the administrative body, official, or the board whichever has authority to decide under applicable law.

SEC. 72. *Prerequisite for Zoning.* Zoning maps as an official control may be adopted only for areas covered by a comprehensive plan containing not less than a land use element and a circulation element. Zoning ordinances and maps adopted prior to the effective date of this chapter are hereby validated, provided only that at the time of their enactment the comprehensive plan for the county existed according to law applicable at that time.

Prerequisite
for zoning.

SEC. 73. *Text Without Map.* The text of a zoning ordinance may be prepared and adopted in the absence of a comprehensive plan providing no zoning map or portion of a zoning map may be adopted thereunder until there has been compliance with the provisions of section 72 herein.

Text without
map.

SEC. 74. *Zoning Map—Progressive Adoption.* Because of practical considerations, the total area of a county to be brought under the control of zoning may be divided into areas possessing geographical, topographical or urban identity and such divisions may be progressively and separately officially mapped.

Zoning map—
Progressive
adoption.

SEC. 75. *Zoning—Types of Regulations.* Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will:

Zoning—
Types of
regulations.

(1) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes;

(2) regulate location, height, bulk, number of stories and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which may be occupied by buildings and structures; and the area

required to provide off-street facilities for the parking of motor vehicles.

Establishing zones.

SEC. 76. *Establishing Zones.* For the purpose set forth in section 75 the county may divide a county, or portions thereof, into zones which, by number, shape, area and classification are deemed to be best suited to carry out the purposes of this chapter.

Regulations uniform in zone.

SEC. 77. *All Regulations Shall Be Uniform In Each Zone.* All regulations shall be uniform in each zone, but the regulations in one zone may differ from those in other zones.

Classifying unmapped areas.

SEC. 78. *Classifying Unmapped Areas.* After the adoption of the first map provided for in section 74 herein, and pending the time that all property within a county can be precisely zoned through the medium of a zoning map, all properties not so precisely zoned by map shall be given a classification affording said properties such broad protective controls as may be deemed appropriate and necessary to serve public and private interests. Such controls shall be clearly set forth in the zoning ordinance in the form of a zone classification, and such classification shall apply to such areas until they shall have been included in the detailed zoning map in the manner provided for the adoption of a zoning map.

Interim zoning.

SEC. 79. *Interim Zoning.* If the planning agency in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or is holding a hearing for the purpose of, or has held a hearing and has recommended to the board the adoption of any zoning map or amendment or addition thereto, or in the event that new territory for which no zoning may have been adopted as set forth in section 80 herein may be annexed to a county, the board, in order to protect the public safety, health and general welfare may, after report

from the commission, adopt as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.

SEC. 80. *Procedural Amendments—Zoning Ordinance.* An amendment to the text of a zoning ordinance which does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land shall be processed in the same manner prescribed by this chapter for the adoption of an official control except that no public hearing shall be required either by the commission or the board.

Procedural
amendments—
Zoning ordi-
nance.

SEC. 81. *Board of Adjustment—Authority.* The board of adjustment, subject to appropriate conditions and safeguards as provided by the zoning ordinance or the ordinance establishing the board of adjustment, if there be such, shall hear and decide:

Board of
adjustment.
Authority.

(1) Applications for conditional uses or other permits when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

(2) Application for variances from the terms of the zoning ordinance: *Provided*, That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and that the following circumstances are found to apply;

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by

other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

(3) Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

—Quasi
judicial
powers.

SEC. 82. ————*Quasi Judicial Powers.* The board of adjustment may also exercise such other quasi judicial powers as may be granted by county ordinance.

—Appeals—
Time limit.

SEC. 83. ————*Appeals—Time Limit.* Appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within twenty days of the date of the action being appealed.

—Notice of
hearing on
conditional
permit.

SEC. 84. ————*Notice Of Time And Place Of Hearing on Conditional Permit.* Upon the filing of an application for a conditional use permit or a variance as set forth in section 81 herein, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

—Appeal—
Notice of.

SEC. 85. ————*Appeal—Notice Of Time And Place.* Upon the filing of an appeal from an ad-

ministrative determination, or from the action of the zoning adjustor, the board of adjustment shall set the time and place at which the matter will be considered. At least a ten day notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed from, together with such additional written reports as he deems pertinent.

SEC. 86. ————*Scope Of Authority On Appeal.* ——Scope on appeal.
 In exercising the powers granted by sections 81 and 82 herein, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

SEC. 87. *Zoning Adjustor—Powers and Duties.* Zoning adjustor. Powers, duties.
 If the office of zoning adjustor is established as provided in this chapter, all of the provisions of this chapter defining the powers, duties, and procedures of the board of adjustment shall also apply to the zoning adjustor.

SEC. 88. ————*Action Final Unless Appealed.* ——Action final unless appealed.
 The action by the zoning adjustor on all matters coming before him shall be final and conclusive unless within ten days after the zoning adjustor has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the

original applicant, or by opponents of record in the case.

Board of adjustment. Action final.

SEC. 89. *Board of Adjustment—Action Final.* The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjustor or an administrative officer shall be final and conclusive unless within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition or a writ of mandamus.

Findings of fact, in determination.

SEC. 90. *Inclusion of Findings of Fact.* Both the board of adjustment and the zoning adjustor shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based.

Short title.

SEC. 91. *Short Title.* This act shall be known as the "Planning Enabling Act of the State of Washington."

Duties transferred.

SEC. 92. *Duties and Responsibilities Imposed by Other Acts.* Any duties and responsibilities which by other acts are imposed upon a planning commission shall, after the effective date of this act, be performed by a planning agency however constituted.

Chapter alternative method.

SEC. 93. *Chapter Alternative Method.* This chapter shall not repeal, amend, or modify any other law providing for planning methods but shall be deemed an alternative method providing for such purpose.

Adoption elective.

SEC. 94. *Elective Adoption.* Any county or counties presently operating under the provisions of chapter 35.63 RCW may elect to operate hence forth under the provisions of this chapter. Such election shall be effected by the adoption of an ordinance under the procedure prescribed by RCW 36.32-

.120 (7), and by compliance with the provisions of this chapter.

SEC. 95. *Section Captions Not Part of Law.* Section captions as used in this chapter do not constitute any part of the law. Captions
not law.

SEC. 96. *Severability.* If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 202.

[S. B. 188.]

WASHINGTON UNIFORM GIFTS TO MINORS ACT.

AN ACT relating to gifts to minors and to make uniform the law with reference thereto.

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

SECTION 1. *Definitions.* In this act, unless the context otherwise requires: (1) An "adult" is a person who has attained the age of twenty-one years. Definitions.
"Adult."

(2) A "bank" is a bank, trust company, savings and loan association, national banking association, or mutual savings bank. "Bank."

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others who is licensed to do business under the laws of this state. The term includes a bank which effects such transactions. "Broker."

"Court." (4) "Court" means the superior courts of the state of Washington.

"Custodial property" includes. (5) "The custodial property" includes: (a) all securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

"Custodian." (6) A "custodian" is a person so designated in a manner prescribed in this act.

"Guardian." (7) A "guardian" of a minor includes the general guardian, guardian or curator of his property, estate or person.

"Issuer." (8) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

"Legal representative." (9) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, conservator or curator of his property or estate.

"Member of a minor's family." (10) A "member" of a "minor's family" means any of the minor's parents, grand-parents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

"Minor." (11) A "minor" is a person who has not attained the age of twenty-one years.

"Security" includes. (12) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an

oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. The term does include such interests or instruments given by savings and loan associations. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(13) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

"Transfer agent."

(14) A "trust company" is a bank authorized to exercise trust powers.

"Trust company."

SEC. 2. *Manner of making gift.* (1) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift: (a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act,"

Manner of making gift.

(b) if the subject of the gift is a security not in registered form, by delivering it to a trust company or an adult person other than the donor, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

“GIFT UNDER THE WASHINGTON UNIFORM
GIFTS TO MINORS ACT

I, (name of donor), hereby deliver to (name of custodian) as custodian for (name of minor) under the Washington uniform gifts to minors act, the following security (ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them).....
(signature of donor) (name of custodian) hereby acknowledges receipt of the above described security (ies) as custodian for the above minor under the Washington uniform gifts to minors act. Dated:(signature of custodian)”

(c) if the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: “as custodian for (name of minor) under the Washington uniform gifts to minors act”.

(2) Any gift made in a manner prescribed in subsection (1) may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian.

(4) The donor may not under this act make gifts of custodial property (a) exceeding three thousand dollars in aggregate value to any one minor in any one year, or (b) exceeding thirty thousand dollars in aggregate value to any one minor. Value shall be computed on the basis of the actual value of each unit of property on the date the gift became effective.

Effect of gift.

SEC. 3. *Effect of gift.* (1) A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the

security or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act.

(2) By making a gift in a manner prescribed in this act, the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this act.

SEC. 4. *Duties and powers of custodian.* (1) The custodian shall collect, hold, manage, invest and reinvest the custodial property for the best interest of the minor and according to the provisions of this act.

Duties and
powers of
custodian.

(2) The custodian may expend for the benefit of a minor, or pay over to the minor if he is eighteen years old or more for expenditure by him, such monthly amounts as may be reasonably necessary for the minor's actual living expenses including maintenance, schooling and medical or dental expense, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of

Duties and
powers of
custodian.

twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act.

(6) The custodian may sell, exchange, convert or otherwise dispose of custodial property as would a prudent man of discretion and intelligence. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall keep all other custodial property

separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

SEC. 5. *Custodian's expenses, compensation, bond and liabilities.* (1) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

Custodian's
expenses,
compensation,
bond and
liabilities.

(2) A custodian may act without compensation for his services.

(3) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated: (a) A direction by the donor when the gift is made;

(b) An order of the court.

(4) Except as otherwise provided in this act, a custodian shall not be required to give a bond for the performance of his duties.

(5) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this act.

SEC. 6. *Exemption of third persons from liability.* No issuer, transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing

Exemption
of third per-
sons from
liability.

with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this act, or is obliged to inquire into the validity or propriety under this act of any instrument of instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him: *Provided*, That this section does not exempt from liability third persons who but for this section would be liable for honoring a forged signature.

Resignation, death or removal of custodian; bond; appointment of successor custodian.

SEC. 7. *Resignation, death or removal of custodian; bond; appointment of successor custodian.* (1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this act.

(2) A custodian, other than the donor, may resign and designate his successor by: (a) Executing an instrument of resignation designating the successor custodian; and

(b) causing each security which is custodial property and in registered form to be registered in the name of the successor custodian followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act"; and

(c) delivering to the successor custodian the instrument of resignation, each security registered

in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(3) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(4) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

SEC. 8. *Accounting by custodian.* (1) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

Accounting by
custodian.

(2) The court, in a proceeding under this act or otherwise, may require or permit the custodian or

his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Construction. SEC. 9. *Construction.* (1) This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(2) This act shall not be construed as providing an exclusive method for making gifts to minors.

Short title. SEC. 10. *Short title.* This act may be cited as the "Washington uniform gifts to minors act."

Severability. SEC. 11. *Severability.* If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Passed the Senate March 10, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 203.

[H. B. 241.]

MUNICIPAL REVENUE BONDS.

AN ACT removing municipal revenue bond restrictions; amending section 8, chapter 117, Laws of 1957 and RCW 35.41.080; and repealing section 2, chapter 117, Laws of 1957 and RCW 35.41.020.

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

RCW 35.41.080
amended.

SECTION 1. Section 8, chapter 117, Laws of 1957, and RCW 35.41.080 are each amended to read as follows:

The legislative body of any city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service, use, or benefits to those to whom service, use, or benefits from such facility or utility is available, which rates and charges shall be uniform for the same class of service. And, if revenue bonds or warrants are issued against the revenues thereof, the legislative body of the city or town shall fix charges at rates which will be sufficient to provide for the payment of bonds and warrants, principal and interest, sinking fund requirements and expenses incidental to the issuance of such revenue bonds or warrants; in fixing such charges the legislative body of the city or town may establish rates sufficient to pay, in addition, the costs of operating and maintaining such facility or utility.

Rates and charges authorized.

SEC. 2. Section 2, chapter 117, Laws of 1957, and RCW 35.41.020 are each repealed. Repeal.

Passed the House February 14, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 204.

[H. B. 291.]

MEAT INSPECTION.

AN ACT relating to meat inspection; providing penalties; repealing sections 1, 2, 3, 4, 5, and 7, chapter 161, Laws of 1945 and RCW 16.48.050, 16.48.080, 16.48.090, 16.48.100, 16.48.105 and 16.48.110; repealing sections 1 and 8, chapter 98, Laws of 1949 and RCW 16.48.010 and 16.48.270; repealing section 1, chapter 245, Laws of 1951 as amended by section 1, chapter 286, Laws of 1953 and RCW 16.48.095; repealing section 2, chapter 286, Laws of 1953 and RCW 16.48.097; and repealing section 8, chapter 161, Laws of 1945 as last amended by section 3, chapter 286, Laws of 1953 and RCW 16.48.140.

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

Definitions.

SECTION 1. For the purpose of this act:

"Department."

(1) "Department" means the department of agriculture of the state of Washington.

"Director."

(2) "Director" means the director of the department or his duly appointed representative.

"Person."

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

"Consumer."

(4) "Consumer" shall mean ultimate consumer.

"Retail meat dealer."

(5) "Retail meat dealer" shall mean a person who prepares for sale or sells and distributes meat and meat food products to the consumer.

"Wholesale meat dealer."

(6) "Wholesale meat dealer" shall mean a person preparing for sale or selling or distributing meat or meat food products to a retail meat dealer or the consumer.

"Bona fide farmer."

(7) "Bona fide farmer" means any person whose main economic pursuit is the production of agricultural products, and who owns eighty percent of the dams of the meat food animals he slaughters, or a person who primarily raises meat food animals for

his own consumption and owns such meat food animals and has had them on property which he owns, leases, rents or controls by some other arrangement for a period of sixty days prior to slaughter.

(8) "City" means a city of the first class with a population of over fifty thousand persons. "City."

(9) "Veterinary inspector" hereinafter known as inspector, means a veterinarian authorized by the department to conduct sanitary inspection and meat inspection. "Veterinary inspector."

(10) "Lay inspector" means a layman having training and knowledge of meat inspection, working under the direct supervision of a veterinarian. "Lay inspector."

(11) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, apparatus used in and about an establishment and vehicles used to transport meat. "Equipment."

(12) "Official establishment" hereinafter known as establishment, means any slaughtering, or meat food product manufacturing establishment at which inspection is maintained by the director or his agents. "Official establishment."

(13) "Meat food animal" means cattle, sheep, swine, goats, horses, mules, burros or any other animal used for food by humans. "Meat food animal."

(14) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals. "Meat."

(15) "Horsemeat" means the meat of or products derived from horses, mules or burros. "Horsemeat."

(16) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food. "Carcass."

(17) "Products" includes any part or all meat, meat by-products and meat food products. "Products."

(18) "Meat food product" shall mean any article of food which is processed by salting, drying, smoking or cooking and prepared in whole or in part of "Meat food product."

meats stamped by the United States Government or by the state.

"Meat by-products."

(19) "Meat by-product" means any edible part other than meat which has been derived from one or more meat food animals.

"Washington inspected and passed."

(20) "Washington inspected and passed" means that the meat so marked has been inspected and passed under this act and/or rules and regulations adopted hereunder, and that at the time it was inspected, passed and so marked the meat was found to be sound, healthful, and wholesome and fit for human food.

"Washington retained."

(21) "Washington retained" means that the meat so marked is held for further examination by a veterinary inspector to determine its disposal.

"Washington inspected and condemned."

(22) "Washington inspected and condemned" means that the meat so marked is unsound, unhealthful, unwholesome or otherwise unfit for human food.

"Washington suspect."

(23) "Washington suspect" means that the meat food animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered and is subject to further examination by an inspector to determine its disposal.

"Washington condemned."

(24) "Washington condemned" means that the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of the carcass.

"Stamped."

(25) "Stamped" means the affixing by or under the supervision of an inspector of the United States Department of Agriculture or the director, on meat food animals, meat or meat food products, a tag, label, mark, stamp, or brand denoting that such meat food animals, meat or meat food products were inspected.

(26) "State inspected" means inspected by the state or agents of the state. "State inspected."

(27) "Meat food product establishment" means an establishment manufacturing meat food products from meat, stamped inspected and passed by the state, or the United States Department of Agriculture: *Provided*, That it does not include a retail meat dealer preparing or manufacturing meat food products at his place of business for sale only at such place of business, to a consumer. "Meat food product establishment."

SEC. 2. Inspection of the slaughtering of meat food animals, meat, and the manufacturing of meat food products shall be under the direction and supervision of the director and he may adopt such rules and regulations pertaining to the inspection of establishments, equipment and processes as are necessary to carry out the purpose of this act. It shall be the duty of the director or his agents to enforce and carry out the provisions of this act and/or rules and regulations adopted hereunder. No person shall interfere with the director or his agents when he is performing or carrying out duties imposed on him by this act and/or rules and regulations adopted hereunder. Inspection, enforcement, duty of director.

SEC. 3. On or after the effective date of this act no municipal corporation shall license or inspect an official establishment's function as a slaughterhouse or meat food product manufacturing plant: *Provided*, That any municipal corporation may jointly with the director periodically inspect the sources of meat sold within its jurisdiction: *Provided, further*, That any city may apply in writing to the director for a permit to carry on meat inspection at any official establishment that does not slaughter meat food animals, but manufactures meat food products from meat of such animals, and sells such products within the jurisdiction of such city. Such application shall be submitted to the meat in- Municipal corporation as meat inspector—Limitations.

spection advisory board by the director for recommendations. Subsequent to such recommendations the director may approve such application, and allow such city to act as an agent of the department and carry out the provisions of this act and/or rules and regulations adopted hereunder by the director.

Reimbursement to city for inspection.

SEC. 4. Upon the director's approval of a city's application to carry on meat inspection at any meat food product establishment, the department shall reimburse such city for the costs, as recommended by the meat inspection advisory board and approved by the director, for performing such inspection.

Board determines which city may inspect.

SEC. 5. When two or more cities apply to inspect the same official establishment, the director shall refer such application to the meat inspection advisory board. The meat inspection advisory board shall determine which city can furnish the necessary inspection most efficiently and economically, and upon the approval of the director, the city which can offer the most efficient and economical inspection shall be granted authority to carry on such inspection.

Meat inspection—Inspectors—Costs.

SEC. 6. The director or his agents shall provide for all meat inspection at official establishments. The director may provide for such meat inspection by veterinary inspectors and lay inspectors employed by the director or by his agents and/or by contract with private veterinarians licensed to practice in this state. The director shall furnish free meat inspection to all establishments in the amount appropriated for such purposes by the legislature and approved by the governor. Such appropriation shall be prorated over the biennium it is appropriated for. All costs of meat inspection carried on at any establishment and not provided for by appropriations of the legislature and approved by the governor shall be provided for by the licensee

of such establishment. The licensee shall pay such costs of meat inspection to the department within thirty days after such meat inspection has been performed at such establishment by the director or his agents. The director may withdraw meat inspection at an establishment when the licensee of such establishment fails to make proper payment to the department as herein provided.

SEC. 7. Upon the enactment of this act the director shall appoint a meat inspection advisory board. It shall be the duty of such board to make recommendations to the director which will assure the slaughtering of meat food animals and the manufacture of meat food products which are wholesome and prepared under proper sanitary conditions. Such board shall recommend: (1) When inspection is necessary; (2) the proper construction of establishments; (3) the proper practices and procedures to be used in the inspection of physical plant facilities; (4) the proper practices and procedures to be used in the inspection of facilities and equipment at official establishments; and, (5) the proper practices and procedures to be used in the inspection of meat food animals slaughtered and/or meat and meat food products prepared at such establishment.

Meat inspection advisory board. Duties.

SEC. 8. The membership of the meat inspection advisory board shall consist of one representative from each of the following:

Members—
Selection of.

(1) Washington State Meat Packers Association, Inc.

(2) Washington state meat food product manufacturers.

(3) Each participating city.

(4) State department of public health.

(5) Washington State Veterinary Medical Association.

(6) State department of agriculture, division of animal industry veterinarian.

(7) The director shall select one member from the public at large, skilled in meat inspection.

Each group represented on the meat inspection advisory board shall provide the director with a list of three experts on meat inspection. The director shall select one person from such list, within thirty days of its presentation, to represent such group on the meat inspection advisory board.

Member's terms.

SEC. 9. The director shall appoint two members to the meat inspection advisory board for a period of two years, two members for a period of three years and the remainder for a period of four years: *Provided*, That thereafter all appointments to replace any member at the end of his term shall be for a period of four years.

Vacancies.

SEC. 10. Upon the death or resignation of any member of the meat inspection advisory board, the director shall fill such vacancy for the remainder of its term in the manner herein prescribed for appointments to such board.

Chairman—Meetings.

SEC. 11. The meat inspection advisory board shall have authority to elect a chairman from its membership. Such board shall meet in Olympia, Washington, at least twice in any one year. However, the director or the chairman may call for a meeting of the meat inspection advisory board, after ten days' written notice to the members, whenever necessary.

Construction—Municipalities' rights saved.

SEC. 12. This act shall in no manner be construed to deny or limit the authority of any municipal corporation to license and carry on the necessary inspection of meat, meat food products, distribution facilities and equipment of wholesale and retail meat distributors, selling, offering for sale, holding for sale or trading, delivering or bartering meat within such municipal corporation's jurisdiction and/or to prohibit the sale of meat within its jurisdiction when

such meat is unfit or unwholesome or distributed under insanitary conditions.

SEC. 13. Any person desiring to engage in slaughtering meat food animals or manufacturing meat food products in the state shall apply to the director for the inauguration of inspection service in the establishment where such meat food animals are to be slaughtered or meat food products manufactured. Such application shall be in writing, and addressed to the director. In such application for inspection the applicant shall agree to comply with the provisions of this act and/or rules and regulations adopted hereunder and to maintain said establishment in a clean and sanitary manner. Upon the receipt of said application, the director shall make an inspection of said establishment and if found clean and sanitary, and properly constructed, maintained and equipped to conduct its business in accordance with this act and/or rules and regulations adopted hereunder, the director or his agents shall inaugurate inspection service therein, and shall give to such establishment an official number, to be used to mark meat of this establishment as provided in this act. Such establishment shall thereafter be known as "official establishment No.", and it shall be illegal for any other establishment to use the official number of the said establishment.

Slaughtering, manufacturing, meat food. Inauguration procedure for inspections.

SEC. 14. Whenever the director or his agents shall deem it necessary in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of meat food animals or meat, the director, after a hearing on written notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of meat food animals and the preparation or processing of meat at such establishments. The director or his agents in making such designation of days and hours shall give consideration to

Hours for slaughtering, manufacturing, may be set.

recommendations of the meat inspection advisory board and the existing practices at the affected establishment fixing the time for slaughter of meat food animals and the preparation or processing of meat thereof.

Overtime in-
spection—
Cost.

SEC. 15. The director or his agents shall not be required to furnish meat inspection as herein provided for more than eight hours or after five p.m. in any one day or in excess of forty hours in any one calendar week, or on Sundays or legal holidays except on payment to the department by the operator of any establishment under inspection of an hourly fee for each hour of state meat inspection furnished over eight hours or after five p.m. in any one day or in excess of forty hours in any calendar week or on Sundays or legal holidays. The director shall establish an hourly rate for such overtime at an amount sufficient to defray the total cost of such inspection.

Inspectors
employed.

SEC. 16. The director or his agents shall employ veterinary inspectors and lay inspectors or contract with private veterinarians who are skilled and trained in the inspection of meat and meat food animals. The director shall assign a sufficient number of veterinary inspectors and lay inspectors, as he shall determine, to each establishment to properly carry out the purpose of this act and/or rules and regulations adopted hereunder.

Veterinary
inspector
required.

SEC. 17. All meat inspection, at any official establishment slaughtering meat food animals, shall be performed by a veterinary inspector, or a lay inspector under the direct supervision of a veterinary inspector: *Provided*, That as a temporary measure, when a veterinary inspector is not available, the director may allow a lay inspector to inspect meat in such an establishment, until a veterinary inspector

again becomes available for meat inspection in such establishment.

SEC. 18. Meat inspection at any official establishment, which does not slaughter meat food animals, but manufactures meat food products from meat stamped "Inspected and Passed" by the state or the United States Department of Agriculture, may be performed by a lay inspector under the supervision of a veterinary inspector.

Lay inspectors sufficient.

SEC. 19. It shall be unlawful to operate an establishment which is unclean and unsanitary and not maintained and equipped in accordance with the provisions of this act and/or rules and regulations adopted hereunder. The director or his agents shall not allow meat to be stamped "Inspected and Passed" in establishments where sanitary conditions are such that meat will be rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food.

Sanitary requirements.

SEC. 20. For the purpose of carrying out the provisions and requirements of this act and/or rules and regulations adopted hereunder, the director or his agents are empowered to enter upon any grounds or premises, at any time in this state, for the purpose of inspection and/or condemning of meat or meat food products or disinfection, or to carry out any other provisions of this act and/or rules and regulations adopted hereunder.

Right of entry.

SEC. 21. It shall be unlawful for any person to purchase meat for public consumption or resale unless such meat bears the stamp "Inspected and Passed", of the United States Department of Agriculture or bears the stamp "Inspected and Passed", of the state. No meat shall be sold, held for sale, traded or bartered unless the meat food animal from which it is derived is slaughtered or prepared in an establishment inspected by the United States Depart-

Purchased meat to bear stamp.

ment of Agriculture or the state or its agents. However, this act shall not apply to a bona fide farmer selling meat to an ultimate consumer for his own consumption.

Immature
meat not to
be sold.

SEC. 22. It shall be unlawful to sell, hold for sale, offer for sale, trade or barter any meat or meat food product, for human consumption, which is derived in whole or in part from any calf, pig, kid or lamb which is immature.

License
required—
Fee.

SEC. 23. Any person slaughtering meat food animals, and/or manufacturing meat food products shall obtain a license annually for each establishment such person operates. The license shall be issued by the director upon his satisfaction that the applicant's establishment is sanitary and properly constructed and has the proper facilities and equipment, as required under this act and/or rules and regulations adopted hereunder, and the payment of a one hundred dollar annual license fee.

Nonhuman
food purpose
license re-
quired—Fee.

SEC. 24. Any person slaughtering meat food animals for nonhuman food purposes shall obtain a license annually for each establishment such person operates. The license shall be issued by the director upon his satisfaction that the applicant's establishment is sanitary and properly constructed and has the proper facilities and equipment required by this act and/or rules and regulations adopted hereunder and payment of one hundred dollars.

License expir-
ation—Penalty
for late
renewal.

SEC. 25. All licenses provided for in this act shall expire on June thirtieth subsequent to the date of issue. Any person who fails, refuses or neglects to apply for a renewal of a pre-existing license on or before the date of expiration, shall pay a penalty of fifty dollars, which shall be added to the license fee before such license may be renewed by the director.

SEC. 26. Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license. Licenses are assignable and transferable to qualified persons upon payment of a fee of twenty-five dollars and upon compliance with this act and/or rules and regulations adopted hereunder; however, no assignment and transfer shall be made which will result in both a change of license and change of location.

Licenses—
Form—
Assignability.

SEC. 27. The director on his own motion or on the written recommendation of his agents is authorized to deny, suspend, or revoke a license in the manner prescribed herein, in any case in which he finds that there has been a refusal to comply with the requirements of this act and/or rules and regulations adopted hereunder.

License—
Grounds to
revoke or
refuse.

SEC. 28. In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard and may be represented by counsel. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless a different location be agreed upon.

Denial, revocation
proceedings—
Hearing.

SEC. 29. The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books and/or documents anywhere in the state. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be rec-

Hearings—
Subpoenas—
Testimony.

orded, and may be taken by deposition under such rules as the director may prescribe.

Hearings—
Findings.

SEC. 30. The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Order, form
—Appeal to
superior court.

SEC. 31. The revocation or suspension of a license shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within twenty days after a copy thereof is served upon him to the superior court of the county in which the appellant's establishment is located or to the superior court of Thurston county. Trial on such appeal shall be de novo: *Provided*, That if the parties so agree it may be confined to a review of the record made at the hearing before the director.

Appeal to
supreme
court.

SEC. 32. An appeal shall lie to the supreme court from the judgment of the superior court as provided in other civil cases.

Ante mortem
examinations,
live animals.

SEC. 33. The director or his agents shall provide for an ante mortem examination and inspection by inspectors of all meat food animals before they are allowed to enter any state inspected establishment in which such meat food animals are to be slaughtered and the meat thereof is to be sold and used within the state. All meat food animals which on such ante mortem inspection are found to show symptoms of disease or an abnormal condition shall be set apart and slaughtered separately from all other meat food animals. The carcasses of such meat food animals shall be subject to a careful examination and inspection under rules and/or regulations to be adopted by the director.

SEC. 34. The director or his agents shall provide for post mortem examination and inspection of all meat food animal carcasses and meat thereof to be prepared for human food at any establishment. Such meat food animal carcasses and meat thereof found to be sound, healthful, and wholesome and fit for human food shall be stamped as "Inspected and Passed". Such meat food animal carcasses and meat thereof found to be unsound, unhealthful, unwholesome or otherwise unfit for human food by inspectors shall be stamped "Inspected and Condemned". Such meat food animal carcasses and meat thereof inspected and condemned shall be made unfit for human food purposes by the said establishment in the presence of an inspector. The director or his agents may suspend inspection by removing inspectors at any such establishment which fails to make unfit for human consumption any such condemned meat food animal carcasses or meat thereof.

Ante mortem
examinations,
meat—
Stamped—
Procedure if
condemned.

SEC. 35. The director or his agents may, subsequent to the original inspection, re-inspect any meat food animal or meat and if found unhealthful, unsound, and unwholesome or otherwise unfit for human food it shall be made or stamped unfit for human food purposes as the director may prescribe, by the owner or his agents in the presence of an inspector.

Reinspection.

SEC. 36. It shall be unlawful to stamp as "Inspected and Passed", any meat or meat food product derived from a meat food animal whose organs and tissues were not inspected at the time of slaughter. Since such meat food product may be unwholesome, the director or his agents shall seize and make unfit for human food any meat not bearing the stamp "Inspected and Passed" required under this act: *Provided*, That nothing herein shall affect the transportation of dead and condemned carcasses of animals to rendering plants.

Unlawful
stamping—
Seizure
authorized.

Inspection
before
processing.

SEC. 37. All meat shall be examined and inspected prior to entering a department of an establishment where such meat will be prepared or processed as a meat food product.

Access author-
ized—Stamp-
ing directed.

SEC. 38. The director or his agents shall have access at all times to every part of an establishment. The director shall cause to be stamped as "Inspected and Passed" all meat found to be sound, healthful and wholesome and which contains no dyes, chemicals, preservatives or ingredients which render such meat unsound, unhealthful, unwholesome or unfit for human food. The director or his agent shall stamp as "Washington Inspected and Condemned" all meat found to contain dyes, chemicals, preservatives or ingredients which render such meat unsound, unhealthful, unwholesome or unfit for human food. All such meat or meat food products shall be made unfit for food purposes as hereinabove provided.

Lawful
processing.

SEC. 39. Nothing contained in this act shall prevent a wholesale or retail meat dealer from making or preparing fresh meat food products from meat "Inspected and Passed" by the United States Department of Agriculture or the state.

Unlawful use
of stamps on
receptacles,
false names.

SEC. 40. It shall be unlawful to stamp any container, covering, or other receptacle "Inspected and Passed" which contains meat which was not stamped "Inspected and Passed" under the provisions of this act and/or rules and regulations adopted hereunder before being placed or packed in such container, covering or other receptacle. No meat shall be sold by any person in the state under a false or deceptive name. The director or his agents may allow the use of an established trade name that is usual to such meat and which is not false or deceptive. The director or his agents shall confiscate and destroy all such stamps that are found to be false or deceptive.

SEC. 41. It is unlawful without proper authority for any person, except employees of the United States Department of Agriculture, the department, or its agent, to possess, keep or use any stamp provided or used for stamping meat, or to possess, keep or use any stamp having thereon a device or words the same or similar in character or import to the stamp provided or used by the United States Department of Agriculture or the department, or its agent, for stamping meat intended for food purposes.

Unlawful use
of stamp.

SEC. 42. It is unlawful for any person to (1) forge, counterfeit, simulate or falsely represent or (2) without proper authority to use, fail to use, detach or fail to detach, or knowingly or wrongfully to alter or (3) deface or destroy, or fail to deface or destroy the stamp or other identification devices provided for in this act and/or as directed by the rules and/or regulations adopted hereunder, on meat or containers thereof, subject to the provisions of this act or any certificates in relation thereto authorized or required by this act or by said rules and/or regulations adopted hereunder.

Unlawful
acts.

SEC. 43. "Custom farm slaughterer" means any person licensed pursuant to the provisions of this act and who may under such license engage in the business of slaughtering meat food animals on a farm or farms owned, leased, rented or controlled in some other manner by a bona fide farmer, for agricultural production purposes only.

"Custom farm
slaughterer"
defined.

SEC. 44. Any person slaughtering meat food animals as a custom farm slaughterer in this state shall apply to the director in writing for a custom slaughterer's license and such application shall be accompanied by a twenty-five dollar annual license fee and such license shall expire on December thirty-first of any year. Such license shall be issued

Custom
slaughterer
license—Fee.

by the director upon his satisfaction that such applicant's equipment is properly constructed, has the proper sanitary and mechanical equipment and is maintained in a sanitary manner as required under this act and/or rules and regulations adopted hereunder.

Stamp of custom slaughterer.

SEC. 45. All meat which has been derived from a meat food animal slaughtered by a custom slaughterer shall be stamped "not inspected No.....", in letters not less than three-eighths of an inch in height, by roll stamping the full length of each half and quarter of the carcass. The director may provide for any other added method of identification to insure adequate identification for law enforcement purposes.

Horsemeat slaughter, processing, to be separate.

SEC. 46. It shall be unlawful to slaughter horses, mules or burros in establishments coming under the jurisdiction of this act where cattle, calves, sheep, swine, goats or any other animal used for food by humans are slaughtered for human consumption; or to bring horsemeat into establishments where meat is prepared for human consumption from the meat of cattle, calves, sheep, swine, goats or any other animal used for food by humans.

Addition of horsemeat unlawful.

SEC. 47. It shall be unlawful to add horsemeat to meat prepared from meat of cattle, calves, sheep, swine, goats or any other animal used for food by humans in any establishment and the director may seize and destroy for food purposes any such meat wherever found, to which horsemeat has been added.

Horsemeat to be marked.

SEC. 48. Horsemeat shall be properly identified as such and no person shall transport or offer for sale such horsemeat within the state unless it is conspicuously and plainly stamped "horsemeat" or "horsemeat products" as provided under this act and/or rules and regulations adopted hereunder.

SEC. 49. Every establishment shall keep records which will accurately reveal the operations of such establishments relating to the slaughtering, preparation and processing of meat. The director shall have the right during business hours to inspect and examine such records for the purpose of determining if there is compliance with this act and/or rules and regulations adopted hereunder.

Records required—Inspection authorized.

SEC. 50. For the purpose of carrying out its teaching, research, and extension programs, the State College of Washington meats laboratory (s) shall be exempt from the licensing provisions of this act and shall be issued an official establishment number and stamp. Such slaughter operation shall be conducted under inspection, as provided in this act, by a qualified inspector under veterinary supervision by the College of Veterinary Medicine of the State College of Washington. Meat animals slaughtered in the laboratory (s) shall bear the stamp "Inspected and Passed".

College laboratory as establishment

SEC. 51. The violation of any provision of this act and/or rules and regulations adopted hereunder shall constitute a misdemeanor.

Violation, misdemeanor.

SEC. 52. All license and inspection fees collected under the provisions of this act shall be deposited and retained by the director and shall be used only for the purpose of enforcing and carrying out the provisions of this act.

Disposition of fees.

SEC. 53. 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.

Severability.

SEC. 54. The following acts or parts of acts are hereby repealed:

Repeal.

- (1) Sections 1, 2, 3, 4, 5, and 7, chapter 161, Laws

of 1945 and RCW 16.48.050, 16.48.080, 16.48.090, 16.48-.100, 16.48.105 and 16.48.110;

(2) Sections 1 and 8, chapter 98, Laws of 1949 and RCW 16.48.010 and 16.48.270;

(3) Section 1, chapter 245, Laws of 1951 as amended by section 1, chapter 286, Laws of 1953 and RCW 16.48.095;

(4) Section 2, chapter 286, Laws of 1953 and RCW 16.48.097; and

(5) Section 8, chapter 161, Laws of 1945 as last amended by section 3, chapter 286, Laws of 1953 and RCW 16.48.140.

Passed the House March 9, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 205.

[H. B. 63.]

WEED DISTRICTS—INTERCOUNTY.

AN ACT relating to weed districts.

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

Definitions.

SECTION 1. As used in this act, unless the context indicates otherwise, "principal board of county commissioners", "principal county treasurer", and "principal county auditor" mean respectively those in the county of that part of the proposed intercounty weed district in which the greatest amount of acreage is located.

Intercounty weed districts authorized.

SEC. 2. An intercounty weed district, including all or any part of two counties or more, may be created for the purposes set forth in RCW 17.04.010 by the joint action of the boards of county commissioners of the counties in which any portion of the proposed district is located.

SEC. 3. Any one or more freeholders owning more than fifty percent of the acreage desired to be included within the proposed intercounty weed district may file a petition with the principal board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known landowners within the proposed district, together with the addresses of such landowners. Upon the filing of such petition the principal board of county commissioners shall notify the other boards of commissioners, shall arrange a time for a joint hearing on the petition, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, and at the main entrance to the court house of each county, and by mailing a copy of such notice to each of the landowners named in the petition at the address named therein. If any of the land described in the petition be owned by the state a copy thereof shall be mailed to the state land commissioner at Olympia.

Initiating
petition—
Notice of
hearing.

SEC. 4. At the time and place fixed for such hearing, with the chairman of the principal board acting as chairman, the respective boards shall determine by a majority vote of each of the boards of county commissioners of the counties whether

Hearing—
Order.

such intercounty weed district shall be created, and if they determine that such district shall be created, the respective boards shall fix the boundaries of the portion of the proposed district within their respective counties, but they shall not modify the purposes of the petition with respect to the weed or weeds to be destroyed, prevented and exterminated as set forth in the petition, and they shall not enlarge the boundary of the proposed district, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice, as provided in section 3, to all landowners interested. If the respective bodies shall determine that the weed district petitioned for shall be created each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed district within its respective county. A number shall be assigned to such weed district which shall be the lowest number not already taken or adopted by an intercounty weed district in the state, and thereafter such district shall be known as "weed district No.", inserting in the blank the number of the district.

If any county represented does not by a majority vote of its board of commissioners support the petition for an intercounty district, the petition shall be dismissed.

Procedure when district established.

SEC. 5. If the respective boards of county commissioners establish such district the chairman of the principal board shall call a special meeting of landowners to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established.

Election of directors.

Notice of such meeting shall be given by the principal county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such chairman be not present the electors of such district then present shall elect a chairman of the meeting.

Every person over twenty-one years of age who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. (giving number of district)." If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The

elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election.

Terms of
initial
directors.

Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time when and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting.

Annual
meetings.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the remaining

Vacancies.

members of the board of directors shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the principal board of county commissioners, which bond shall be filed with the same board and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district.

Officers—
Bonds.

At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting.

Special
meetings.

SEC. 6. The board of directors of an intercounty weed district shall have the same powers and duties as the board of directors of a weed district located entirely within one county, and all the provisions of chapter 17.04 RCW are hereby made applicable to intercounty weed districts: *Provided*, That in the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the district, the action shall be performed by the officer or board of the county for that area of the district which is located

Board powers
and duties.

within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the district in which the greatest amount of acreage is located. Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a district in a single county were concerned. All moneys collected from such area constituting a part of such district that should be paid to such district shall be delivered to the principal county treasurer who shall be ex officio treasurer of such district. All other materials, information, or data relating to the district shall be submitted to the district board of directors.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

Performance by county officers.

SEC. 7. Whenever any action is required or may be performed by any county officer or board for all purposes essential to the maintenance, operation, and administration of the district, such action shall be performed by the respective officer or board of the county of that part of the district in which the greatest amount of acreage of the district is located.

Cost borne proportionately.

All costs incurred shall be borne proportionately by each county in that ratio which the amount of acreage of the district located in that part of each county forming a part of the district bears to the total amount of acreage located in the whole district.

RCW 17.08.120 amended.

SEC. 8. Section 3, chapter 89, Laws of 1953 and RCW 17.08.120 are amended to read as follows:

Prevention of seed production on crop land.

If the board and the director find that noxious or poison weeds are in danger of going to seed on crop land contrary to the adopted methods, rules and regulations, it being conclusively presumed that such noxious or poison weeds remaining standing on

such date as the board and the director shall determine are in danger of going to seed, they shall give notice and follow the procedure set forth for weed districts for the eradication and control of such weeds: *Provided*, That at the conclusion of the hearing to assess costs and after evidence thereon, the board shall find whether such failure by the owner to cut or otherwise destroy such noxious or poison weeds was wilful and, if it shall so find, it shall further assess a charge in an amount not to exceed the cost of such cutting or destruction as determined at the hearing plus ten dollars for preparation of notices, and in addition thereto filing fees and service costs: *Provided further*, That upon wilful failure to comply a second time, a penalty shall be assessed in an amount not to exceed twice the cost of such cutting or destruction as determined at the hearing.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 206.

[H. B. 172.]

WIPING RAGS.

AN ACT relating to the public health and wiping rags; and providing penalties.

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

SECTION 1. "Wiping rags" as used in this act includes any cast-off cloth, fabric, second-hand material, clothing, wearing apparel, or any similar material used for wiping or cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, surfaces of articles, appliances and engines

"Wiping rags" defined.

in factories, shops, steamships, steam boats, generally for cleaning in industrial employment, by mechanics and workmen for wiping hands and bodies soil incident to employment, or for any other wiping or cleaning purpose in any school, hospital, factory, industry, shop, or in any commercial or industrial employment.

Rags to be disinfected.

SEC. 2. No person who sells or rents wiping rags shall sell or rent, or offer to sell or rent the same unless they have first been thoroughly washed and boiled in this state by a process of washing and boiling in a solution containing seventy-six hundredths of one percent caustic and/or chloride of lime and dried at a temperature of at least an average of 212 degrees Fahrenheit, or otherwise disinfected or sterilized in as an efficient manner as prescribed by the Washington state board of health, or unless they have been disinfected and sterilized in another state of the United States whose standards for sterilization are no less stringent than those prescribed by this act and the rules and regulations hereunder.

Rag parcels to be marked.

SEC. 3. Every parcel or package of wiping rags before being sold, rented, or offered for sale or rent, shall be plainly marked "Sterilized Wiping Rags" and in addition it shall be plainly marked with the name of the Washington board or its state officer authorizing it to sterilize said wiping rags, the name and location of the establishment in which said wiping rags were laundered and sterilized and the date thereof, and the registration number of the establishment as issued by the Washington state health department.

Dealers in rags to be registered—
Fee.

SEC. 4. Every person, firm, or corporation who washes, cleanses, or launders wiping rags shall register with the state department of health upon forms to be supplied by the department. The state

department of health shall issue a Washington state health department registration number to such applicant upon the payment of a ten dollar fee. Each registration number shall be renewed annually by the payment of a ten dollar fee.

SEC. 5. The application for a registration number or any renewal thereof shall contain such information as the state department of health reasonably requires which may include any information of ability to comply with the standards, rules and regulations as are lawfully prescribed hereunder.

Application information.

SEC. 6. It shall be the duty of all departments of health, health officers, or other officials discharging similar duties to enforce the provisions of this act, and such officials shall upon proper demand have the right to enter any place at reasonable hours for the purpose of making such examination and inspection as he shall deem necessary in order to determine whether or not the provisions of this act are being violated. It shall be unlawful for any person to refuse such inspection and examination or to impede or obstruct such official during the inspection and examination.

Enforcement
—Right of entry.

SEC. 7. It shall be the duty of the prosecuting attorneys to prosecute all cases arising under the provisions of this act and such officers may obtain injunctive relief, abate as a nuisance, or obtain any other relief available by law.

Prosecution under act.

SEC. 8. Every person who sterilizes wiping rags without first obtaining a registration number, or who wilfully violates any provision of this act, or any rule, order, or regulation issued hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Violation, misdemeanor
—Separate violations.

Each day upon which a violation occurs shall constitute a separate violation.

Act supplemental.

SEC. 9. Nothing in this act shall be construed so as to prevent the state board of health or any city, town, or health district from promulgating or enacting any rule, regulation, order, or ordinance not inconsistent with and subject to the provisions of this act.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 207.

[H. B. 581.]

GRANGES.

AN ACT relating to granges; amending section 1, page 97, Laws of 1875 and RCW 24.28.010; and adding a new section to "An act to enable granges of the patrons of husbandry to incorporate.", page 97, Laws of 1875, and to chapter 24.28 RCW.

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

RCW 24.28.010 amended.

SECTION 1. Section 1, page 97, Laws of 1875 and RCW 24.28.010 are each amended to read as follows:

Manner of incorporating a grange.

Any grange of the patrons of husbandry, desiring hereafter to incorporate, may incorporate and become bodies politic in this state, by filing in the office of the secretary of state of Washington, and in the office of the county auditor of the county wherein such grange holds its meetings of business, a certificate or article subscribed and acknowledged by not less than five members of such grange and by the master of the Washington state grange embodying:

(1) The name of such grange and the place of holding its meetings.

(2) What elective officers the said grange will have, when such officers shall be elected; how, and by whom, the business of the grange shall be conducted or managed, and what officers shall join in the execution of any contract by such grange to give force and effect in accordance with the usages of the order of the patrons of husbandry; such articles shall be subscribed by the master of such grange, attested by the secretary, with the seal of the grange.

(3) A copy of the bylaws of such grange shall also be filed in the said office of the secretary of state and the county auditor of the proper county.

(4) The names of all such officers at the time of filing the application, and the time for which they may be respectively elected. When such articles shall be filed, such grange shall be a body politic and corporate, with all the incidents of a corporation, subject nevertheless to the laws and parts of laws now in force or hereafter to be passed regulating corporations.

SEC. 2. A new section is added to "An act to enable granges of the patrons of husbandry to incorporate.", page 97, Laws of 1875, and to chapter 24.28 RCW to read as follows:

No person, doing business in this state shall be entitled to use or to register the term "grange" as part or all of his business name or other name or in connection with his products or services, or otherwise, unless either (1) he has complied with the provisions of this chapter or (2) he has obtained written consent of the Washington state grange certified thereto by its master. Any person violating the provisions of this section may be enjoined from using or displaying such name and doing business under such name at the instance of the Washington state grange or any grange organized under this chapter, or any member thereof: *Provided*, That nothing herein shall prevent the continued use of the

New section.

Use of "grange" in name prohibited.

Injunction authorized.

term "grange" by any person using said name prior to the adoption of this act.

"Person" defined.

For the purposes of this section "person" shall include any person, partnership, corporation, or association of individuals.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 208.

[H. B. 129.]

REAL ESTATE EXCISE TAX.

AN ACT relating to revenue and taxation; and amending section 3, chapter 19, Laws of 1951 second extraordinary session and RCW 28.45.035.

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

RCW 28.45.035 amended.

SECTION 1. Section 3, chapter 19, Laws of 1951 second extraordinary session and RCW 28.45.035 are each amended to read as follows:

Determining selling price in certain cases.

The board of county commissioners shall provide by ordinance for the determination of the selling price in the case of leases with option to purchase, and shall further provide that the tax shall not be payable, where inequity will otherwise result, until and unless the option is exercised and accepted. In counties in which mining property is located the board of county commissioners shall provide by ordinance that a conditional sale of mining property in which the buyer has the right to terminate the contract at any time, and a lease and option to buy mining property in which the lessee-buyer has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the seller or lessor for

execution of such contract, but the ordinance shall further provide that the tax due on any additional consideration paid by the buyer and received by the seller shall be paid to the county treasurer (1) at the time of termination, or (2) at the time that all of the consideration due to the seller has been paid and the transaction is completed except for the delivery of the deed to the buyer, or (3) at the time when the buyer unequivocally exercises an option to purchase the property, whichever of the three events occurs first.

The term "mining property" means property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessor to conduct exploration or mining work thereon and for no other use. The term "metallic minerals" does not include clays, coal, sand and gravel, peat, gypsite, or stone, including limestone.

"Mining property" defined.

The board shall further provide by ordinance for cases where the selling price is not separately stated or is not ascertainable at the time of sale, for the payment of the tax at a time when the selling price is ascertained, in which case suitable security may be required for payment of the tax, and may further provide for the determination of the selling price by an appraisal by the county assessor, based on the full and true market value, which appraisal shall be prima facie evidence of the selling price of the real property.

Security for tax.

Passed the House February 18, 1959.

Passed the Senate March 11, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 209.

[H. B. 277.]

DIKING, DRAINAGE, SEWAGE DISTRICTS AND IMPROVEMENT DISTRICTS.

AN ACT relating to diking, drainage, and sewage; amending section 1, chapter 76, Laws of 1947 and RCW 85.04.600; amending section 3, chapter 176, Laws of 1913, as last amended by section 3, chapter 46, Laws of 1923, and RCW 85.08.040; amending section 4, chapter 176, Laws of 1913, as last amended by section 2, chapter 160, Laws of 1921, and RCW 85.08.050 through 85.08.100; and amending section 24, chapter 115, Laws of 1895 as last amended by section 2, chapter 133, Laws of 1917 and section 27, chapter 117, Laws of 1895 as last amended by section 2, chapter 89, Laws of 1913 and RCW 85.04.120.

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

RCW 85.04.600 amended.

SECTION 1. Section 1, chapter 76, Laws of 1947 and RCW 85.04.600 are each amended to read as follows:

Drainage districts. Compensation of commissioners.

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation the sum of eight dollars per day for all necessary services actually performed, in connection with their duties, including the attendance at meetings: *Provided*, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid.

RCW 85.08.040 amended.

SEC. 2. Section 3, chapter 176, Laws of 1913, as last amended by section 3, chapter 46, Laws of 1923 and RCW 85.08.040 are each amended to read as follows:

Improvement districts. Petition—Bond—Resolution.

To create the district four or more owners of property in the area shall file with the clerk of the

board of county commissioners a petition stating the necessity for the improvement, designating with reasonable certainty the location, route and termini of the proposed system, and praying for the creation of the district. They shall file with the petition their bond of not less than two hundred dollars, payable to the commissioners, conditioned for the payment of all expenses of the proceeding if the petition is denied. If at any time the commissioners deem the amount of the bond insufficient to cover the expenses, they may order an additional bond in such amount as they shall direct: *Provided*, That no petition shall be required if in the opinion of the county commissioners the improvement is necessary and will be conducive to the public health, convenience and welfare, and they may by resolution declare a district a necessity and the district shall be organized as hereunder prescribed.

SEC. 3. Section 4, chapter 176, Laws of 1913, as last amended by section 2, chapter 160, Laws of 1921 (heretofore divided and codified as RCW 85.08.050 through 85.08.100) is divided and amended as set forth in sections 4 through 9 of this act.

SEC. 4. (RCW 85.08.050) The clerk of the board shall deliver a copy of the petition or resolution to the engineer designated by the commissioners, who shall at once view the lines and location of the proposed improvement and the property to be affected thereby, and determine whether the improvement is necessary or will be conducive to the public health, convenience, or welfare, and whether the location and route described are the best; what, if any, part of the proposed system should be omitted, and what, if any additions should be made thereto or changes made therein, and shall file his findings in writing with the board.

RCW 85.08.050
amended.
Investigation
and report
by engineer.

RCW 85.08.060
amended.
Director may
investigate
and report in
certain cases.

SEC. 5. (RCW 85.08.060) If the lands to be benefited comprise three thousand acres or more, the county board may, after a hearing and if so requested in the petition, or resolution, ask the state director of conservation (and development) to make the investigation instead of the engineer. The director shall then make the survey and investigation to determine the feasibility of the project and the best means of attaining the objective, and file his report thereon with the board. The report shall contain all the findings required in the engineer's report and shall have the same effect. If the survey and report are made by the director, the petitioners need not file a cost bond.

RCW 85.08.070
amended.
Petition to
director—
Resolution for
hearing—
Notice.

SEC. 6. (RCW 85.08.070) The board shall send a copy of such petition or resolution to the state director, and ask for an estimate of the total cost of the survey, investigation, and report, which he may make and file with the board. It shall, by resolution, fix the time and place of a hearing on the petition or resolution and report, and shall give notice thereof by posting a copy in a conspicuous place in each voting precinct or fraction thereof in the area, and by publishing a copy for three successive weekly issues in a newspaper of general circulation in the area; the posting and the first publication to be at least thirty days before the hearing. The notice shall contain a copy of the petition or resolution and of the estimate of expense, the time and place of hearing, state that the expense of the survey and investigation contemplated in the petition or resolution will be charged against the lands described therein and require everyone interested to appear at such time and place and show cause in writing, if any he has, why the prayer of the petition or resolution should not be granted.

RCW 85.08.080
amended.

SEC. 7. (RCW 85.08.080) Upon the hearing the board shall determine whether the survey and in-

vestigation should be made and whether any or all of the land described in the petition, or resolution, or any additional lands should bear their proportional expense of the survey and investigation, and may adjourn the hearing from time to time not exceeding ninety days in all: *Provided*, That no additional lands shall be made to bear their proportional expense of the survey and investigation without first giving the same notice to all parties affected: *Provided further*, That the total cost of the survey, investigation, and report shall not exceed the amount stated in the estimate of the director by more than fifty percent. The determination of the board shall be by resolution and shall be conclusive upon all persons except for fraud or lack of jurisdiction.

Hearing—
Determination
—Including
additional
lands.

SEC. 8. (RCW 85.08.090) If the board determines in favor of the survey and investigation, it shall enter into a contract with the director to do the work, which shall be done at actual cost, and paid for from any moneys in the state reclamation revolving fund. As a part of his report the director shall include an itemized statement under oath of the expenses that have been incurred in making the investigation, surveys, and report, and the board shall cause a copy of the statement, together with a notice naming a time and place when and where the statement will be brought before it for hearing and determination, to be published in a newspaper of general circulation in the area, for two successive weeks prior to the hearing. At the time of the hearing or at such other time, not exceeding thirty days in all, to which it may be adjourned, the board shall examine the statement, hear testimony, and shall enter an order approving the statement or so much thereof as it deems correct.

RCW 85.08.090
enacted
without
amendment.

Upon the approval of the statement the board shall by resolution apportion the cost among the lands in the area, each acre or fraction thereof bear-

ing the same amount, and assess the apportioned expense as a tax against the lands, to be paid as a part of the general county and state tax against the lands at the same times, with the same penalties attached for delinquencies, and to be collected by the same agencies as the general taxes, and credited to the current expense fund of the county.

The board shall direct the auditor to issue a warrant against the county current expense fund payable to the director for the amount of the expense. All sums so paid shall be credited to the state reclamation revolving fund.

RCW 85.08.100 enacted without amendment.

SEC. 9. (RCW 85.08.100) If the report of the director favors the improvement, the board shall proceed as hereinafter directed: *Provided*, That nothing herein shall prevent the board or the improvement district from making further agreements with the director for the construction or supervision of the contemplated improvement, under the provisions of the state reclamation act.

RCW 85.04.120 amended.

SEC. 10. Section 24, chapter 115, Laws of 1895, as last amended by section 2, chapter 133, Laws of 1917, and section 27, chapter 117, Laws of 1895 as last amended by section 2, chapter 89, Laws of 1913 (heretofore combined and codified as RCW 85.04-.120) are each amended to read as follows:

Diking and drainage districts. Estimate for maintenance and repair.

On or before the first day of November of each year the diking commissioners shall, and on or before the first Monday in October of each year the drainage commissioners shall, make and certify to the county auditor an estimate of the cost of maintenance and repair of the improvement for the ensuing year. The amount thereof shall be levied against the land in the district in proportion to the maximum benefits assessed, and shall be added to the general taxes and collected therewith. If such estimate of the cost of maintenance and repair against any tract or contiguous tracts owned by one person or cor-

poration is less than two dollars, then the county auditor shall levy such a minimum amount of two dollars against such tract or contiguous tracts, and upon the collection thereof as herein provided shall pay all sums collected into the maintenance and/or repair fund of the district. In case of an emergency the commissioners may incur additional obligations and issue warrants therefor in excess of the estimate.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 210.

[H. B. 330.]

PUBLIC INSTITUTIONS—CHARGES FOR PERSONNEL'S QUARTERS—DEPOSIT.

AN ACT relating to public institutions of the state; providing for the payment of certain receipts into the state general fund; and adding a new section to chapter 28, Laws of 1959 and to chapter 72.01 RCW.

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

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows: New section.

All moneys received by the director of institutions from charges made pursuant to RCW 72.01.280 shall be deposited by him in the state general fund. Disposition of quarters fees.

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 211.

[H. B. 646.]

SALES TAX—SEAFOOD PRODUCTS.

AN ACT relating to revenue and taxation; and amending sections 44 and 46, chapter 389, Laws of 1955 and RCW 82.04.240 and 82.04.260; and amending section 6, chapter 180, Laws of 1935, as last amended by section 1, chapter 9, Laws of 1951, First Extraordinary Session, and RCW 82.04.440.

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

RCW 82.04.240 amended.

SECTION 1. Section 44, chapter 389, Laws of 1955 and RCW 82.04.240 are each amended to read as follows:

B & O Tax. Tax on manufacturers.

Upon every person except persons taxable under subsections (2) or (3) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of one-quarter of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

RCW 82.04.260 amended.

SEC. 2. Section 46, chapter 389, Laws of 1955 and RCW 82.04.260 are each amended to read as follows:

Tax on buyer, wholesale seller of grains, flour manufacturers and seafood products manufacturer.

(1) Upon every person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour

manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

SEC. 3. Section 6, chapter 180, Laws of 1935, as last amended by section 1, chapter 9, Laws of 1951, First Extraordinary Session, and RCW 82.04.440 are each amended to read as follows:

RCW 82.04.440 amended.

Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in: *Provided*, That persons taxable under RCW 82.04.250 or 82.04.270 shall not be taxable under RCW 82.04.230, 82.04.240 or subsection (2) or (3) of RCW 82.04.260 with respect to extracting or manufacturing of the products so sold, and that persons taxable under RCW 82.04.240 shall not be taxable under RCW 82.04.230 with respect to extracting the ingredients of the products so manufactured.

Person taxable on multiple activities.

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 212.

[S. B. 218.]

SMALL LOAN COMPANIES.

AN ACT relating to the business of making loans in the amount of one thousand dollars or less; providing for precomputation and rebate of charges; fixing the maturity of loan contracts; regulating property and life insurance requirements by licensees from borrowers; and prohibiting extra charges; amending sections 2, 3, 10, and 12 through 17 of chapter 208, Laws of 1941 and RCW 31.08.020, 31.08.030, 31.08.130, and 31.08.150 through 31.08.200; and adding three new sections to chapter 31.08 RCW.

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

RCW 31.08.020 amended.

SECTION 1. Section 2, chapter 208, Laws of 1941 and RCW 31.08.020 are each amended to read as follows:

License required.

No person shall engage in the business of making secured or unsecured loans of money, credit, goods, or things in action in the amount or of the value of one thousand dollars or less and charge, contract for, or receive a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder except as authorized by this chapter and without first obtaining a license from the supervisor.

RCW 31.08.030 amended.

SEC. 2. Section 3, chapter 208, Laws of 1941 and RCW 31.08.030 are each amended to read as follows:

Application for license—
Fees—Assets—
Bonds.

Application for such license shall be in writing, under oath, and in the form, if any, prescribed by the supervisor, and shall contain the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further relevant information as the supervisor may require. Such applicant at the time of

making such application shall pay to the supervisor the sum of one hundred dollars as a fee for investigating the application and the additional sum of fifty dollars as an annual license fee for a period terminating on the last day of the current calendar year: *Provided*, That if the application is filed after June 30th in any year such additional sum shall be only twenty-five dollars.

Every applicant shall also prove, in form satisfactory to the supervisor, that he or it has available for the operation of such business at the location specified in the application, liquid assets of at least ten thousand dollars.

At the time of filing of the application, the applicant shall also file with the supervisor a bond to be approved by the supervisor in the penal sum of one thousand dollars, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, whose liability as such surety shall not exceed the said sum in the aggregate. Such bond shall run to the state of Washington as obligee for the use and benefit of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this chapter. Such bond shall be conditioned that said obligor as licensee hereunder will faithfully conform to and abide by the provisions of this chapter and of all general rules and regulations lawfully made by the supervisor hereunder and will pay to the state and any such person or persons any and all moneys that may become due and owing to the state from such obligor under and by virtue of the provisions of this chapter.

SEC. 3. Section 10, chapter 208, Laws of 1941 and RCW 31.08.130 are each amended to read as follows:

For the purpose of discovering violations of this chapter or securing information lawfully required by him hereunder, the supervisor may at any time,

RCW 31.08.130
amended.

Examinations
—Cost.

either personally or by a person or persons duly designated by him, investigate the loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person who shall be engaged in the business described in RCW 31.08.020, whether such person shall act or claim to act as principal or agent, or under or without the authority of this chapter. For that purpose the supervisor and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The supervisor and all persons duly designated by him shall have authority to require the attendance of and to examine under oath all persons whomsoever whose testimony he may require relative to such loans or such business or to the subject matter of any examination, investigation or hearing. The supervisor shall make such an examination of the affairs, business, office, and records of each licensee at least once each year. The actual cost of every examination shall be paid to the supervisor by every licensee so examined: *Provided, however,* That the actual cost of examining each licensed place of business shall not exceed the sum of two hundred fifty dollars annually.

RCW 31.08.150
amended.

Prohibited
acts.

SEC. 4. Section 12, chapter 208, Laws of 1941 and RCW 31.08.150 are each amended to read as follows:

No licensee or other person shall advertise, print, display, publish, distribute, broadcast, or televise or cause or permit to be advertised, printed, displayed, published, distributed, broadcast, or televised in any manner whatsoever any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for the lending of money, credit, goods, or things in action in the amount or of the value of one thousand dollars or less. The supervisor may order any licensee to desist from any

conduct which he shall find to be a violation of the foregoing provisions.

The supervisor may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers.

No licensee shall conduct the business of making loans under this chapter within any office, room, or place of business in which any other business is solicited or transacted, or in association or conjunction therewith, if the supervisor shall find, after five days' written notice and after a hearing that the solicitation or transaction of such other business conceals evasion of this chapter by the licensee or is of such nature that such solicitation or transaction would facilitate evasion of this chapter or of the general rules and regulations lawfully made hereunder, and shall order such licensee in writing to desist from such conduct.

No licensee shall conduct, or advertise such business or make any loan provided for by this chapter under any other name or at any other place of business than that named in a license issued under this chapter.

No licensee shall take any confession of judgment or any power of attorney to confess judgment. No licensee shall take any note, promise to pay, or other obligation signed by the borrower that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge, nor any instrument in which blanks are left to be filled in after the proceeds of the loan are delivered. When charges are precomputed, as permitted by subsection (3) of RCW 31.08.160, the note shall disclose the amount of the precomputed charge.

SEC. 5. Section 13, chapter 208, Laws of 1941 and RCW 31.08.160 are each amended to read as follows:

RCW 31.08.160
amended.

Rates and
charges—
Splitting loans
prohibited.

(1) Every licensee hereunder may lend any sum of money not to exceed one thousand dollars in amount and may charge, contract for, and receive thereon charges at a rate not exceeding three percent per month on that part of the unpaid principal balance of any loan not in excess of three hundred dollars, one and one-half percent per month on that part of the unpaid principal balance of any loan in excess of three hundred dollars and not in excess of five hundred dollars, and one percent per month on any remainder of such unpaid principal balance: *Provided, however,* That in lieu of said charges a licensee may charge one dollar per month, or fraction thereof, when said charges computed at the said rate amount to less than one dollar: *And provided further,* That such charge of one dollar shall not be collected on more than one loan nor more than once from any one borrower during any period of one month.

(2) Charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance, or compounded, but the rate of charge authorized by this section may be precomputed as provided in subsection 3 of this section. Charges on loans made under this chapter, excepting the minimum charge of one dollar provided in this section and excepting as permitted by subsection 3 hereof, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower. For the purpose of this section a month shall be that period of time from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of the next month; and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(3) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the charges may be precomputed at the monthly rate on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction, or receipt thereof in advance nor compounding under subsection (2) above. Such precomputed charge shall be subject to the following adjustments:

(a) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made under paragraph (f) of this subsection, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(b) If the loan contract is prepaid in full by cash, a new loan, refinancing, or otherwise before the final installment date, the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment shall be rebated. In computing any required rebate, any prepayment made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. If prepayment in full occurs before the first installment date an additional rebate of one-thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment

Rates and
charges—
Splitting
loans pro-
hibited.

to the first scheduled installment date. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate of precomputed charge which would be required for prepayment in full as of the date judgment is obtained.

(c) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of the precomputed charge applicable under the original contract of loan to the first month of the deferment period multiplied by the number of months in said period. The deferment period is the month or months in which no scheduled payment has been made or in which no payment is to be required by reason of the deferment. In computing any default charge, or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. If a loan is prepaid in full during a deferment period, the borrower shall receive, in addition to the rebate required under paragraph (b) of this subsection, a rebate of that portion of the deferment charge applicable to any unexpired months of the deferment period.

(d) If the payment in full of any scheduled installment is in default more than seven days and the contract so provides, the licensee may charge and collect a default charge not exceeding an amount equal to the portion of the precomputed charge applicable to the final installment period. Said charge

may not be collected more than once for the same default and may be collected when such default occurs or any time thereafter. If such default charge is deducted from any payment received after default occurs and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(e) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full on such installment date. Thereafter, charges may be received at the agreed rate computed on actual unpaid balances on the contract for the time outstanding until the contract is fully paid. Charges so collected shall be in lieu of any deferment or default charges which otherwise would accrue on the contract after such installment date.

(f) A licensee and borrower may agree that the first installment due date may be not more than fifteen days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(4) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan with the same licensee, then the principal amount payable under such loan contract shall not include any

unpaid charges on the prior loan, except charges which have accrued within sixty (60) days before the making of such loan contract and may include the balance of a precomputed contract which remains after giving the rebate required by subsection (3) hereof.

(5) No licensee shall directly or indirectly charge, contract for, or receive any charges or fees except charges authorized by this chapter and the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for the transferring of title or for filing, recording, or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. A bona fide error in the calculation of charges or in the recording of such charges in any statement or receipt delivered to the borrower or in the licensee's records shall not be deemed to be a violation of this chapter if the licensee corrects the error.

RCW 31.08.170 amended.

SEC. 6. Section 14, chapter 208, Laws of 1941 and RCW 31.08.170 are each amended to read as follows:

Licensee duties as to borrower.

It shall be the duty of every licensee to:

(1) Deliver to the borrower or anyone thereof, if several, at the time any loan is made under this chapter, a statement, upon which there shall be printed in the English language a copy of subsections (1) and (5) of RCW 31.08.160, showing in clear and distinct terms the principal amount of the loan excluding charges, the date of the loan, the agreed schedule of payments, the nature of the security, if any, for the loan, the name and address of the licensee, and the agreed rate of charges. When charges are precomputed, the statement shall show the amount of the precomputed charge and shall contain a copy of paragraphs (a) and (b) of subsection (3) of RCW 31.08.160.

(2) Give to the party making any payment a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of such loan: *Provided*, That if the charges were precomputed the receipt need not be itemized, and no receipt shall be required where payment is made by check or money order and the full amount of such check or money order is applied to the loan: *Provided further*, That when a default or deferment charge is collected, a receipt shall be given showing the amount applied to the loan and the amount applied to the default or deferment charge;

(3) Permit payment to be made in advance in any amount on any such loan at any time during regular business hours, but the licensee may apply such payment first to all charges at the agreed rate up to the date of such payment: *Provided*, That when charges are precomputed such payment shall be equal to one or more full scheduled installments;

(4) Upon payment of the loan in full, mark indelibly every obligation signed by the borrower with the word "paid" or "cancelled" and release any mortgage and restore all notes and collateral which no longer secures a loan and to which the borrower may be lawfully entitled: *Provided, however*, That in case any such document or obligation is in custodia legis these requirements shall not be applicable; and

(5) Obtain from the borrower prior to making the loan a statement signed by the borrower setting forth the borrower's then current financial condition and containing a statement that the borrower recognizes the penalties and defenses resulting from giving false statement of financial condition, all on a form approved by the supervisor. The statement required to be delivered to the borrower when the

loan is made shall be acknowledged in writing by the licensee and the borrower, and a copy thereof shall be retained by the licensee.

RCW 31.08.180 amended.

SEC. 7. Section 15, chapter 208, Laws of 1941 and RCW 31.08.180 are each amended to read as follows:

Restrictions on loans in excess of one thousand dollars.

No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than one thousand dollars, exclusive of charges permitted by RCW 31.08.160.

RCW 31.08.190 amended.

SEC. 8. Section 16, chapter 208, Laws of 1941 and RCW 31.08.190 are each amended to read as follows:

Assignment of earnings as loan.

The payment of one thousand dollars or less in money, credit, goods, or things in action, as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purpose of regulation under this chapter be deemed a loan secured by such assignment, and the amount by which such assigned compensation retained by the assignee at the completion of the transaction exceeds the total amount of such consideration actually paid by the assignee to the assignor shall for the purpose of regulation under this chapter be deemed interest or charges upon such loan. Such transaction shall be governed by and subject to the provisions of this chapter.

RCW 31.08.200 amended.

SEC. 9. Section 17, chapter 208, Laws of 1941 and RCW 31.08.200 are each amended to read as follows:

Chapter governs interest rates.

No person except as authorized by this chapter shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration

greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of one thousand dollars or less.

The foregoing prohibition shall apply to any person who by any device, subterfuge, or pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for any such loan, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

No loan of the amount or value of one thousand dollars or less for which a greater rate of interest, consideration, or charges than is permitted by RCW 31.08.160 has been charged, contracted for, or received, wherever made, shall be enforced in this state, and every person in anywise participating therein in this state shall be subject to the provisions of this chapter: *Provided*, That the foregoing shall not apply to loans legally made in any other state, territory, or country.

SEC. 10. There is added to chapter 31.08 RCW a new section to read as follows: New section.

No contract made by a licensee under this chapter shall provide for a final maturity more than twenty-five and one-half months from the date of making such contract. Limit on final maturity.

SEC. 11. There is added to chapter 31.08 RCW a new section to read as follows: New section

(1) No licensee shall require the purchasing of property insurance from the licensee or any employee, affiliate, or associate of the licensee or from any agent, broker, or insurance company designated by the licensee as a condition precedent to the making of a loan nor shall any licensee decline ex- Insurance as security for loan.

Insurance
as security
for loan.

isting insurance which meets or exceeds the standards set forth in this section.

The licensee may require a borrower to insure tangible property offered as security for a loan hereunder against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan and for the customary term approximating the term of the loan contract: *Provided*, That no licensee hereunder may require such insurance on loans in an amount less than three hundred dollars. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term. The premium for such insurance shall not exceed that fixed by current applicable manual of a recognized standard insurance rating bureau and such insurance shall be written by or through a duly licensed insurance agent or broker.

(2) A licensee may insure the life of one borrower, but only one of them if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding; and regardless of the premium paid by the licensee, the licensee may charge not more than sixty cents per one hundred dollars per year computed on the original principal amount of the loan, excluding charges for the loan, when the loan contract requires substantially equal and consecutive monthly installments of principal and charges combined, and such charge may be in the same proportions for different payment schedules, maturities, and principal amounts. Such charge may be deducted from the principal of the loan when the loan is made. Only one such charge may be made in connection with any loan contract irrespective of the number of obligors, and only one obligor need be insured. If the insured obligor dies during the term of the loan contract, the insurance must pay

the principal balance of the loan outstanding on the day of his death without any exception or reservation. The insurance shall be in force as soon as the loan is made. If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of such life insurance charge shall be rebated according to the method established in paragraphs (a) and (b) of subsection (3) of RCW 31.08.160. When charges for the loan are precomputed in accordance with subsection (3) of RCW 31.08.160, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life insurance charge.

(3) If a borrower procures any insurance by or through a licensee, the statement required by RCW 31.08.170 shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof within a reasonable time.

Notwithstanding any other provision of this chapter, any gain or advantage in any form whatsoever to the licensee or to any employee, affiliate, or associate of the licensee from any insurance or its sale or provision shall not be deemed to be additional or further interest, consideration, charges, or fee in connection with such loan.

Nothing in this section shall be deemed to alter, amend or repeal any provision of the insurance code.

No insurance shall be required, requested, sold, or offered for sale in connection with any loan made under this chapter, except as and to the extent authorized by this section.

SEC. 12. If any clause, sentence, section, provision, or part of this amendatory act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the Severability

remainder of this amendatory act, which shall remain in full force and effect.

Passed the Senate March 6, 1959.

Passed the House March 5, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 213.

[Sub. S. B. 58.]

DEVELOPMENT CREDIT CORPORATIONS.

AN ACT authorizing the creation of development credit corporations in the state of Washington; prescribing their purposes, powers, supervision and control; and declaring an emergency.

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

Development credit corporations authorized.

SECTION 1. Organizations to provide development credit are authorized to be created under the general corporation laws of the state, with all of the powers, privileges and immunities conferred on corporations by such laws.

Purpose.

SEC. 2. The purposes of development credit corporations as authorized herein shall be: (1) To promote, aid, and, through the united efforts of the institutions and corporations which shall from time to time become members thereof, develop and advance the industrial and business prosperity and welfare of the state of Washington; (2) to encourage new industries; (3) to stimulate and help to expand all kinds of business ventures which tend to promote the growth of the state; (4) to act whenever and wherever deemed by it advisable in conjunction with other organizations, the objects of which are the promotion of industrial, agricultural or recreational developments within the state; and (5) to furnish for approved and deserving applicants ready and required money for the carrying on and development

of every kind of business or industrial undertaking whereby a medium of credit is established not otherwise readily available therefor.

SEC. 3. In furtherance of the purposes set forth in section 2 of this act, and in addition to the powers conferred by the general laws relating to corporations, this corporation shall, subject to the restrictions and limitations set forth in this act, have the following powers: Powers.

(1) To borrow money on secured or unsecured notes from any bank, trust company, savings bank, mutual savings bank, savings and loan association, building and loan association, credit union, insurance company or union funds which shall be members of this corporation and to pledge bonds, notes and other securities as collateral therefor: *Provided*, In no case shall the amount so loaned by any member exceed the limit as hereinafter defined;

(2) To lend money upon secured or unsecured applications: *Provided*, It shall not be the purpose hereof to take from other institutions within the state any such loans or commitments as may be desired by such institutions generally in the ordinary course of their business;

(3) To establish and regulate the terms and conditions of any such loans and charges for interest or service connected therewith;

(4) To purchase, hold, lease and otherwise acquire and to convey such real estate as may, from time to time, be acquired by it in satisfaction of debts or may be acquired by it in the foreclosure of mortgages thereon or upon judgments for debts or in settlements to secure debts.

SEC. 4. No development credit corporation shall be organized with a capital stock of less than twenty-five thousand dollars, which shall be paid into the treasury of the corporation in cash before the cor- Stock
requirement.

poration shall be authorized to transact any business other than such as relates to its organization.

Board of
directors—
Members—
Terms.

SEC. 5. All the corporate powers of a development credit corporation shall be exercised by a board of not less than nine directors who shall be residents of this state. The number of directors and their term of office shall be determined by the stockholders at the first meeting held by the incorporators and at each annual meeting thereafter. In the first instance the directors shall be elected by the stockholders to serve until the first annual meeting. At the first annual meeting, and at each annual meeting thereafter, one-third of the directors shall be elected by a vote of the stockholders and the remaining two-thirds thereof shall be elected by members of the corporation herein provided for, each member having one vote. The removal of any director from this state shall immediately vacate his office. If any vacancy occurs in the board of directors through death, resignation or otherwise, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation. The directors shall be annually sworn to the proper discharge of their duties and they shall hold office until others are elected or appointed and qualified in their stead.

Vacancies.

Authority of
corporation
members
to loan.

SEC. 6. Any member, as set forth in section 7 of this act, shall have power and authority to loan any of their funds to any development credit corporation of which they are a member, subject to the restrictions as set forth in section 8 of this act, notwithstanding any laws to the contrary pertaining to such member.

Corporation
members
enumerated.

SEC. 7. The members of a development credit corporation shall consist of such banks, trust companies, savings banks, mutual savings banks, savings and loan associations, building and loan associations,

credit unions, insurance companies or union funds as may make accepted applications to this corporation to lend funds to it upon call and up to the limit herein provided.

SEC. 8. Each member of a development credit corporation shall lend funds to the development credit corporation as and when called upon by it to do so to the extent of the member's commitment, but the total amount on loan by any member at any one time shall not exceed the following limit: (1) For banks, trust companies, or insurance companies, three percent of capital and surplus; (2) for mutual savings banks, savings and loan associations, or credit unions, three percent of guaranty and reserve funds; and (3) comparable limits for other institutions. All loan limits shall be established at the thousand dollars amount nearest to the amount computed on an actual basis. All calls when made by this corporation shall be prorated among the members on the same proportion that the maximum lending commitment of each bears to the aggregate maximum lending commitment of all members.

Loans by
members
limited.

SEC. 9. Upon notice given one year in advance a member of the corporation may withdraw from membership in the corporation at the expiration date of such notice and from said expiration date shall be free from obligations hereunder except as to those accrued prior to said expiration date.

Withdrawal of
membership.

SEC. 10. A development credit corporation shall set apart a surplus of not less than ten percent of its net earnings in each and every year until such surplus, with any unimpaired surplus paid in, shall amount to one-half of the capital stock. The said surplus shall be kept to secure against losses and contingencies, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation.

Reserve as
security for
losses.

Depository
designated
by note.

SEC. 11. A development credit corporation shall not deposit any of its funds in any institution unless such institution has been designated as a depository by a vote of a majority of the directors, exclusive of the vote of any director who is an officer or director of the depository so designated.

No money on
deposit.

SEC. 12. A development credit corporation shall not receive money on deposit.

Annual report,
assets and
liabilities.

SEC. 13. A development credit corporation, on or before February 15 of each year, shall publish in three consecutive issues of a newspaper of general circulation in the area or areas where the corporation is located a statement of assets and liabilities as of December 31 of the preceding year.

Participation
in federal act
authorized.

SEC. 14. Any development credit corporation desiring to qualify and participate in the federal Small Business Investment Act of 1958 and as hereafter amended may do so and to that end may comply with all the laws of the United States and all the rules, regulations and requirements promulgated pursuant thereto.

Emergency.

SEC. 15. 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 20, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 214.

[S. B. 118.]

MALE CORRECTIONAL INSTITUTION—CLASSIFICATION CENTER.

AN ACT relating to the establishment of a correctional institution for the confinement of convicted male felons; providing for a reception and classification center in such institution for the commitment of all male offenders to such center; procedures for administration, transferees from other institutions, including incorrigible male juvenile delinquents; authorizing the director of institutions to select a site, prepare plans, specifications and contract for construction and declaring an emergency.

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

SECTION 1. There is hereby established under the supervision and control of the director of the department of institutions a correctional institution for the confinement and rehabilitation of male persons convicted of a felony and such other persons transferred to such institution as hereinafter provided. Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. Such institution shall be designed to be of an expandable type, enabling complete construction of the institution over an extended period. The director shall cause preliminary plans, specifications and estimates of cost to be made and for this purpose may retain architectural and engineering services.

Correctional
institution
established.

SEC. 2. The director is hereby authorized to acquire by gift, purchase or condemnation a suitable tract or parcel of land of not more than four hundred acres as a site for a correctional institution, and for that purpose may enter into contracts to purchase and to take title to real property in the name of the state of Washington. Prior to entering into any contract for the purchase of land, or acquiring such land, by eminent domain, the director shall give

Site
acquisition.

preference to any and all offers to donate land by any person or persons, federal agencies, or any political subdivisions of the state. The director may accept or reject any and all offers for the donation of land when in his discretion such land is not suitable for the purposes and objects of such institution, or is remotely located in such degree as would be disadvantageous, in view of the needs and purposes of such institutions.

Construction
bids.

SEC. 3. When title to the land selected by the director, as provided in this act, has vested in the state the director shall, upon the completion of plans and specifications for such institution, publish a call for bids, as provided by law, and enter into a contract for the construction of such institution: *Provided*, That no contract shall be entered into for the construction of such institution until such time as an appropriation for that purpose has been made by the legislature.

Superinten-
dent. Appoint-
ment, qualifi-
cations.

SEC. 4. The superintendent of the correctional institution established by this act shall be appointed by the director. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of institutions, with the advice and approval of the director.

Associate
superinten-
dents.

SEC. 5. The superintendent, subject to the approval of the director, shall appoint such associate superintendents as shall be deemed necessary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, he shall appoint one of the officers of the institution to act as superintendent

during such period of absence, illness or incapacity, subject to the approval of the director.

SEC. 6. The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department of institutions.

Personnel
under board.

SEC. 7. The supervisor of the division of children and youth services of the department of institutions, upon the approval of the director, shall have authority to transfer to the correctional institution male juvenile delinquents or male juveniles convicted of a crime, who may hereafter be committed to the division of children and youth services, or who are now confined at facilities under the division of children and youth services for the custody of juvenile delinquents: *Provided*, That such juveniles shall not be retained in such institution after eighteen years of age. *Provided further*, That the supervisor of the division of children and youth services shall retain custody of such juveniles for the purpose of returning, in his discretion, such juveniles to the transferring institution or such other facilities of the division as he shall deem appropriate.

Transfer of
male juveniles
to institution
authorized.

SEC. 8. The superintendent shall have the following powers, duties and responsibilities:

Superinten-
dent. Powers
and duties.

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, the grounds and buildings, subordinate officers and employees, and the prisoners committed or transferred to such institution and the custody of such persons until released as provided by law.

(2) Subject to the approval of the director, appoint all subordinate officers and employees, who shall be removable from employment by the super-

intendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of institutions.

(3) The superintendent shall be the custodian of the personal property of all inmates in the institution and shall make rules and regulations governing the accounting and disposition of all monies received and earned by the inmates, not inconsistent with law, and subject to the approval of the director.

Single cells—
Exception.

SEC. 9. Each prisoner in the correctional institution shall be provided with a single cell: *Provided, however,* That multiple type living arrangements may be provided in forestry or other labor camps maintained in conjunction with the institution.

Programs
authorized.

SEC. 10. The superintendent, subject to the approval of the director and the institutional industries commission, shall be authorized to establish such industrial, vocational and agricultural programs as will be most beneficial to the inmates of such institution.

Reception and
classification
center.

SEC. 11. There shall be a department in such institution known as the reception and classification center under the supervision of an associate superintendent which, subject to the rules and regulations of the department, shall be charged with the function of receiving and classifying all male persons committed or transferred to the institution, taking into consideration age, type of crime for which committed, physical condition, behavior, attitude and prospects for reformation for the purposes of confinement and treatment of male offenders convicted of offenses punishable by imprisonment in the state penitentiary or state reformatory, except offenders convicted of crime and sentenced to death.

Sec. 12. Any male offender convicted of an offense punishable by imprisonment in the state

penitentiary or the state reformatory, except an offender sentenced to death, shall, notwithstanding any inconsistent provision of law, be sentenced to imprisonment in a penal institution under the jurisdiction of the department of institutions without designating the name of such institution, and be committed to the reception center for classification, confinement and placement in such correctional facility under the supervision of the department of institutions as the director of institutions shall deem appropriate: *Provided*, That the provisions of this section shall become effective upon the certification of the director of institutions to the superior courts and prosecuting attorneys of each county and the chief justice of the supreme court that facilities and personnel for the implementation of commitments as above provided are ready to receive persons committed under the provisions of this section.

Prisoners
committed to
center—
Effective date.

Sec. 13. Nothing herein contained, however, shall be constructed to restrict or impair the power of any court or judge having jurisdiction to pronounce sentence upon a person to whom this act applies, to fix the term of imprisonment and to order his commitment, according to law nor to deny the right of any such court or judge to sentence to imprisonment; nor to deny the right of any such court or judge to suspend sentence or the execution of judgment thereon or to make any other disposition of the case pursuant to law; but in case the punishment imposed be imprisonment in the state penitentiary or the state reformatory, the warrant of commitment shall commit the person convicted to the reception center established by this act for classification, confinement and placement as provided by this act.

Judges' juris-
diction un-
impaired.

Sec. 14. The director shall appoint a staff for the reception center to interview, test, classify, and supervise offenders committed to the center. Such staff shall consist of such employees as the director

Classification
board—Coop-
eration of
other agencies.

shall determine to be adequate for prompt and effective classification. There shall be within the reception center a classification board, which should be composed of such members of the staff of the reception center as the director may require. After making a study and investigation of the facts of the cases of the persons committed to the reception center as the director may require, the board shall make and file in the department a certificate in writing, recommending the state correctional institution best suited to receive the offender during the term of his confinement, the type of program to be followed and the approximate length of such treatment. The state board of prison terms and paroles and other state agencies shall cooperate with the department in obtaining necessary investigative materials concerning offenders committed to the reception center and supply the reception center with necessary information regarding social histories and community background.

Prisoners
received.

Sec. 15. The superintendent of the correctional institution established by this act shall receive all male persons convicted of a felony by the superior court and committed by the superior court to the reception center for classification and placement in such facility as the director shall designate, and all persons transferred thereto by the director from the state reformatory and state penitentiary, and other correctional facilities of the department. The superintendent shall only receive prisoners for classification and study in the institution upon presentation of certified copies of a judgment, sentence and order of commitment of the superior court, along with other reports as may have been made in reference to each individual prisoner.

Confinement
determination.

SEC. 16. The director shall determine the state correctional institution in which the offender shall be confined during his term of imprisonment. The

confinement of any offender shall be governed by the laws applicable to the institution to which he is certified for confinement, but his parole and discharge shall be governed by the laws applicable to the sentence imposed by the court.

Jurisdiction
of institution.

SEC. 17. The director may make, amend and repeal rules consistent with and in furtherance of the provisions of this act.

Rules
authorized.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Emergency.

Passed the Senate March 2, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 215.

[S. B. 128.]

DISPOSITION OF PARENTAL SCHOOL FACILITIES.

An Act relating to the acquisition of parental school facilities by the state parks and recreation commission; and adding a new section to chapter 43.51 RCW.

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

SEC. 1. There is added to chapter 43.51 RCW a new section to read as follows:

New section.

The commission may execute leases with options to purchase and then subsequently purchase but not before July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission for approval to the vot-

Acquisition
of parental
school facili-
ties author-
ized.

Acquisition
of parental
school facili-
ties author-
ized.

ers of the school district, sell or execute leases with options to purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

Passed the Senate February 28, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 216.

[S. B. 172.]

COUNTY SCHOOL SUPERINTENDENTS.

AN ACT relating to education; amending section 2, chapter 157, Laws of 1955 and RCW 28.19.010; amending section 1, chapter 175, Laws of 1919 and RCW 36.16.020; amending section 2, chapter 219, Laws of 1957 and RCW 36.16.070; amending section 4, chapter 157, Laws of 1955 and RCW 28.19.030; amending section 12, chapter 157, Laws of 1955 and RCW 28.19.040; amending section 13, chapter 157, Laws of 1955 and RCW 28.19.050; amending section 14, chapter 157, Laws of 1955 and RCW 28.19.060; amending section 17, chapter 157, Laws of 1955 and RCW 28.20.010; amending section 21, chapter 157, Laws of 1955 and RCW 28.20.040; amending section 1, chapter 28, Laws of 1933 and RCW 28.63.100, 28.63.110, 28.63.120, 28.63.140, 28.63.150 and 28.63.160; amending section 9, page 288, Laws of 1909, as last amended by section 2, chapter 28, Laws of 1933 and RCW 28.63.170, 28.58.130, 28.66.070 and 28.66.080; amending section 29, chapter 157, Laws of 1955 and RCW 28.19.110; amending section 30, chapter 157, Laws of 1955 and RCW

28.19.180; amending section 31, chapter 157, Laws of 1955 and RCW 28.19.120; adding four new sections to Title 28 RCW; and repealing RCW 28.63.130.

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

SECTION 1. Section 2, chapter 157, Laws of 1955 and RCW 28.19.010 are each amended to read as follows:

RCW 28.19.010 amended.

A county superintendent shall be elected in each county of the state, or if two or more counties are consolidated by the joining of offices of county superintendents of two or more counties as hereinafter provided, then for the counties embraced by such consolidation. He shall be elected by the voters of the county, or if there be a consolidation of superintendents' offices of two or more counties, then by the voters of the counties so consolidated.

Election and term.

The election shall be conducted in the manner provided by law for the holding of regular county elections. Where the election is by consolidated counties the county auditor of each county within the consolidation, after the canvassing and tallying of the votes, shall forward the results to the secretary of state for canvass of the returns by the state canvassing board as provided by RCW 29.62.100. Such canvassing board shall compile the total vote of all the consolidated counties and certify the result.

His term of office shall begin on the second Monday in January next succeeding his election and continue for four years and until his successor is elected and qualified: *Provided*, That the term of office of each county superintendent elected in 1962 shall begin on the first Monday in September of 1963 and continue until the second Monday in January of 1967 and until his successor is elected and qualified. He shall take the oath of office and furnish an official bond in a sum to be fixed by the county board of education.

RCW 36.16.020
amended.

Sec. 2. Section 1, chapter 175, Laws of 1919 and RCW 36.16.020 are each amended to read as follows:

Terms, county
and precinct
officers.

The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and shall begin on the second Monday in January following the election: *Provided*, That this section shall not apply to county commissioners: *Provided further*, That this section shall not apply to county superintendents elected in 1962.

RCW 36.16.070
amended.

Sec. 3. Section 2, chapter 219, Laws of 1957 and RCW 36.16.070 are each amended to read as follows:

Deputies and
employees.

In all cases where the duties of any county office are greater than can be performed by the person elected to fill it, the officer may employ deputies and other necessary employees with the consent of the board of county commissioners. The board shall fix their compensation and shall require what deputies shall give bond and the amount of bond required from each. The sureties on deputies' bonds must be approved by the board and the premium therefor is a county expense: *Provided*, That this paragraph shall not apply to those employees of the county superintendents holding a certificate from the State Board of Education or State Board of Vocational Education.

A deputy may perform any act which his principal is authorized to perform. The officer appointing a deputy or other employee shall be responsible for the acts of his appointees upon his official bond and may revoke each appointment at pleasure.

RCW 28.19.030
amended.

SEC. 4. Section 4, chapter 157, Laws of 1955 and RCW 28.19.030 are each amended to read as follows:

Vacancy.

The county board of education, whether of an individual county or a consolidation of superintendents' offices of counties, shall recommend two or more candidates to the board or boards of county commissioners for appointment to fill any vacancy

that may occur in the office of county superintendent in their county or consolidation of counties, until the next general election. The county commissioners shall appoint a qualified person to fill such vacancy.

SEC. 5. Section 12, chapter 157, Laws of 1955 and RCW 28.19.040 are each amended to read as follows:

RCW 28.19.040 amended.

To be eligible for election or appointment to the office of county superintendent, in addition to other provisions of the law, a candidate must have completed five years of regular, accredited work in one or more recognized higher institutions of learning; have a teacher's, principal's or superintendent's certificate of the state of Washington and have five or more years' experience in teaching or educational administration in the common schools or in the office of a county superintendent: *Provided*, That anyone serving as a legally qualified county superintendent or chief deputy county superintendent on the effective date of this act may be deemed qualified to hold the office of county superintendent.

Qualifications.

SEC. 6. Section 13, chapter 157, Laws of 1955 and RCW 28.19.050 are each amended to read as follows:

RCW 28.19.050 amended.

The county auditor shall not place the name of any person upon the official ballot as a candidate for the office of county superintendent unless such person files in the office of the county auditor at the time of filing his declaration of candidacy proof of his qualifications for the office of county superintendent as defined by this chapter. Where the position is one for superintendent of consolidated counties the county auditor of the county in which the office of the county superintendent is located shall not certify any candidate until the declaration of candidacy and proof of qualifications are filed with such county auditor.

Proof of qualifications.

RCW 28.19.060
amended.

Powers and
duties.

SEC. 7. Section 14, chapter 157, Laws of 1955 and RCW 28.19.060 are each amended to read as follows:

Each county superintendent:

(1) Shall exercise a careful supervision over the common schools of his county, and see that all the provisions of the common school laws are observed and followed by the teachers, supervisors and school officers;

(2) Shall visit the schools in his county, counsel with directors and teachers, and assist in every possible way to advance the educational interests in his county;

(3) Shall distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions and decisions of the superintendent of public instruction, as provided by law;

(4) Shall enforce the outline course of study adopted by the state board of education, or the course of study adopted by any other lawful authority, and enforce the rules and regulations required in the examination of teachers;

(5) Shall prepare an outline course of study for the books adopted in districts of the third class when the needs of the county demand: *Provided*, That said outline course of study shall be in harmony with the course adopted by the state board of education;

(6) Shall keep on file and preserve in his office the biennial reports of the superintendent of public instruction and the annual reports of the county superintendent of his county;

(7) Shall keep in good and well-bound books, to be furnished by the county commissioners, records of his official acts;

(8) Shall preserve carefully all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, docu-

ments and papers belonging to the office, either personally or through his personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where his office is located;

Powers and
duties.

(9) May administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but he shall not make or collect any charge or fee for so doing;

(10) Shall keep in a suitable book an official record of all persons under contract to teach in the schools of his county showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school, with the length of term in days, which data shall be immediately reported to the county auditor of the county in which his office is located;

(11) Shall make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct. It shall be the duty of the county commissioners and county auditor in every county wherein the county superintendent is about to retire from office to withhold the warrant of his salary for the month of July until they have received a certificate from the superintendent of public instruction that the annual report of such county superintendent has been made in a satisfactory manner; and the superintendent of public instruction shall transmit such certificate to the auditor immediately upon receiving such satisfactory report;

(12) Shall keep in his office a full and correct

Powers and
duties.

transcript of the boundaries of each school district in the county, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts;

(13) Shall appoint school district officers in districts of the second and of the third class to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for taking office, and absence from the district for a period of ninety days or failure to attend four consecutive meetings of the board without a reasonable excuse and appoint school officers for any new districts: *Provided*, That when any new district is organized, such of the school officers of the old district as reside within the limits of the new one shall be such school officers of the new one, and the vacancies in the old district shall be filled by appointment;

(14) Shall apportion school funds;

(15) Shall conduct such examination of teachers and make such records thereof as may be prescribed by law: *Provided*, That he shall give ten days notice of each examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up handbills, or otherwise;

(16) Shall hold teachers' institutes according to law, and conduct such other meetings of the teachers of his county as may be for the best interests of the

school; and attend other meetings and conferences which may be of benefit to the schools of his county;

Powers and
duties.

(17) May hold each year, one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: *Provided*, That such expense shall not exceed the sum of one hundred dollars in any one year;

(18) May suspend any teacher who may be teaching in his county, against whom he files charges. In case of such suspension he shall immediately notify the superintendent of public instruction of his action, and shall clearly and fully state his reasons for his action;

(19) Shall furnish free of charge teachers' registers, clerks' record books and other materials received free of charge from the superintendent of public instruction to all districts of his county;

(20) Shall council with school boards on selection of school sites and whenever any board of directors of school districts of the third class shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent of the county in which the building is to be erected, of the plans and specifications for the building to be erected, said superintendent to give special attention to the provisions made therein for heating, lighting and ventilation;

(21) Shall require all reports of school district officers, teachers and others to be made promptly as required by law;

(22) Shall see that the teacher's register is kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of the school district clerks are properly kept;

(23) Shall require the oath of office of all school district officers be filed in his office, and shall furnish

Powers and
duties.

a directory of all such officers to the county auditor and to the county treasurer, upon blanks furnished by the superintendent of public instruction, as soon as the election or appointment of such officers is determined and their oaths placed on file;

(24) Shall serve as ex officio secretary of the county board of education and as ex officio secretary of the county committee for school district organization;

(25) Shall with the advice and consent of the county board of education adopt textbooks for all school districts not maintaining a four year accredited high school;

(26) Shall prepare an annual budget for his office for approval by the county board of education;

(27) Shall serve as a member of the transportation commission as provided in RCW 28.24.010;

(28) Shall assist the school districts in preparation of their budgets as provided in chapter 28.63 RCW;

(29) Shall hear and act upon appeals as provided in RCW 28.88.020;

(30) Shall cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28.13.020;

(31) Shall cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28.14-.020;

(32) Shall enforce the provisions of the compulsory attendance law as provided in chapter 28.27 RCW and chapter 28.28 RCW;

(33) Shall certify with the county treasurer to the superintendent of public instruction the amount of excise tax imposed by RCW 28.45.110;

(34) Shall certify certain statistical data as basis

for apportionment purposes to county and state officials as provided in chapter 28.44 RCW;

(35) Shall perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28.56 RCW;

(36) Shall carry out duties and issue orders creating new school districts and transfers of territory as provided in chapter 28.57 RCW;

(37) Shall perform all other duties prescribed by law.

SEC. 8. Section 32, chapter 157, Laws of 1955 and RCW 28.19.190 are each amended to read as follows:

The office of the county superintendent of schools in any county having only one school district, or only one high school district and not more than three third class school districts, within its boundaries may be abolished. If in the opinion of the county committee on school district organization in any county having but one school district, or only one high school district and not more than three third class school districts, there is no need for a county superintendent in that county, the committee may by resolution request the county auditor to call and conduct a special election in conjunction with the county or the state general election, at which special election the electors of the county may vote for or against the abolishment of the office of the county superintendent. Upon receipt of such resolution the county auditor shall call and conduct such election, and, if a majority of the votes cast on the proposition favor the abolishment of the office of the county superintendent, the office shall be abolished at the end of the term of office for which the incumbent county superintendent was elected or appointed.

Upon the abolishment of the office of the county superintendent as provided in this section the county superintendent shall deliver all of the files and records of his office to the superintendent of schools for

RCW 28.19.190
amended.

Abolishment
of office—
Procedure.

the school district in the county, and thereafter the superintendent for the school district shall assume the duties of the county superintendent insofar as they apply to the schools of his district: *Provided*, That if there is a high school district in such county, the superintendent of the high school district shall assume the duties of the county superintendent.

RCW 28.20.010
amended.

SEC. 9. Section 17, chapter 157, Laws of 1955 and RCW 28.20.010 are each amended to read as follows:

Members—
Terms—
Vacancies.

In each county, there shall be a county board of education, which shall consist of five members elected by the voters of the county, one from each of five county board-member districts, such districts to be determined by the county committee on school district organization. Such county board-member districts shall be arranged on a basis of equal population and so that not more than one member of the county board shall come from any one school district: *Provided*, That in counties having less than five school districts, then the county board-member districts shall be arranged so as to give, as far as practicable, representation according to equal population: *Provided further*, That the county committee, at any time that such committee deems it advisable, shall change the boundaries of county board-member districts so as to provide as far as practicable equal representation according to population of such board-member districts.

In any county having a joint school district with another county, all of the territory within such joint district and lying within both counties shall be included within a board-member district of the county within which that part of such joint district in which the administrative office of such joint district is located, and the electors residing therein shall be eligible to vote for and hold membership on the county board of education of such county.

Filing of candidacy for the county board shall be with the county superintendent not more than sixty days nor less than forty-five days prior to the election, and he shall certify the names to the officials conducting the elections in all districts.

Election of board members shall be held at the time of the regular election of school district directors. Such election shall be called and notice thereof given by the county superintendent in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official in each school district who conducts the election of school district directors and in conjunction with the election of school district directors. The term of office for each board member shall be four years and until his successor is duly elected and qualified.

The term of every county board member shall begin on the twentieth day following his election and each county board shall be organized at the first meeting held after a newly elected member takes office. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the board of county commissioners or if it is a joint board of education by the boards of county commissioners of the consolidation. The appointed board member shall serve until the next regular election, at which time there shall be elected a member to fill the unexpired term of the member of the board whose position has been vacated.

SEC. 10. Section 21, chapter 157, Laws of 1955 and RCW 28.20.040 are each amended to read as follows:

RCW 28.20.040 amended.

Every county board of education shall:

Duties of board.

(1) Advise with and pass upon the recommendation of the county superintendent in the preparation of manuals, courses of study, rules and regulations

for the circulating libraries, and to perform such other duties as may be required by him;

(2) Advise with and pass upon the recommendation of the county superintendent as to a choice of textbooks of all school districts not maintaining a four year accredited high school;

(3) Adopt rules and regulations for the schools of the county, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction;

(4) Approve the budget of the county superintendent, and certify to the board of county commissioners and to the state board of education the estimates of the amounts needed for such budget;

(5) Meet regularly according to the schedule adopted at the organization meeting, and in special session upon the call of the chairman, or the secretary, or a majority of the board;

(6) Assist the county superintendent in the selection of personnel and clerical staff as provided in RCW 28.19.020;

(7) Fix the amount of and approve the county superintendent's bond as provided in RCW 36.16.050 and RCW 28.19.010; and

(8) Approve its own reimbursement claims as provided in RCW 28.20.030.

SEC. 11. Section 1, chapter 28, Laws of 1933 (heretofore divided and codified as RCW 28.63.100 through 28.63.160) is divided and amended to read as set forth in sections 11 through 17 of this act, RCW 28.63.130 being hereby repealed.

SEC. 12. (RCW 28.63.100) Each school district of the second and the third class shall through its board of directors, provide a detailed budget containing such information as may be called for, on forms to be provided by the superintendent of public

RCW 28.63.100
enacted
without
amendment.

instruction who shall determine and direct a schedule for the performance of duties by county and district officers necessary to practical budget making.

SEC. 13. (RCW 28.63.110) The budget shall be approved by the school directors after a public hearing whereat any taxpayer may appear and be heard for or against any part of such budget.

RCW 28.63.110
enacted
without
amendment.

SEC. 14. (RCW 28.63.120) The preliminary budget shall be forwarded to the county superintendent before August 1st of each year, for review and revision by a county reviewing committee. The committee shall consist of the county superintendent of schools, a member of the local board of directors and members of the county board of education. The reviewing committee shall finally fix and determine the total amount of the budget.

RCW 28.63.120
amended.
Review and
revision.

SEC. 15. RCW 28.63.130 is hereby repealed.

Repeal.

SEC. 16. (RCW 28.63.140) The meetings of the reviewing committee shall be open to the public, and a copy of the original budget, and also a copy of the revised budget shall be available for examination by resident taxpayers who may attend the hearing. In arriving at the amount of the budget, only current taxes may be counted for the purpose of offsetting outstanding warrants, unless the use of delinquent taxes is approved by the reviewing committee.

RCW 28.63.140
enacted
without
amendment.

SEC. 17. (RCW 28.63.150) On or before the last Friday in September, the county superintendent shall file one copy of the budget in his office, one copy with the superintendent of public instruction and one copy with the county auditor for the board of county commissioners. The board of county commissioners must levy a tax on all the taxable property in the district sufficient to raise the money to meet the necessary expenditures shown by such budget, after deducting the estimated revenues from state and county funds and other miscellaneous

RCW 28.63.150
enacted
without
amendment.

sources, together with such cash on hand as has not been voted or allocated for other purposes or is not needed to keep the district free from an interest bearing warrant basis.

RCW 28.63.160
enacted
without
amendment.

SEC. 18. (RCW 28.63.160) When in the judgment of any school board, additional expenditures other than those allowed by the reviewing board are deemed necessary, such expenditures shall be submitted to the voters at a special election for a special levy as a separate item, and if authorized by a three-fifths vote shall be levied and included in the final budget.

SEC. 19. Section 9, page 288, Laws of 1909, as last amended by section 2, chapter 28, Laws of 1933 (heretofore divided and codified as RCW 28.63.170, 28.58.130, 28.66.070 and 28.66.080) is divided and amended as set forth in sections 19 through 22 of this act.

RCW 28.63.170
amended.
Emergency
expenditures.

SEC. 20. (RCW 28.63.170) If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors, in consultation with the county reviewing committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

RCW 28.58.130
enacted
without
amendment.

SEC. 21. (RCW 28.58.130) It shall be unlawful for any board of directors to contract indebtedness against its district in any one year in any sum in excess of the aggregate amount set forth and approved in its final budget. The members of any board of directors violating any provision of this section shall be personally liable for the full amount thus expended, or contracted for, and each director having a part in such unlawful expenditure shall immediately forfeit his office: *Provided*, That no

board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled.

SEC. 22. (RCW 28.66.070) Any county auditor issuing or causing to be issued a district warrant for any sum in excess of the aggregate total of a district's annual budget shall be personally liable therefor, and shall reimburse the district in double the amount of any such sum.

RCW 28.66.070
enacted
without
amendment.

SEC. 23. (RCW 28.66.080) An order for a warrant issued by any local board of directors shall not be transferable, and the county auditor shall issue no warrant except to individuals or firms designated in original district orders.

RCW 28.66.080
enacted
without
amendment.

SEC. 24. There is added to Title 28 RCW a new section to read as follows:

New section.

One or more school districts within a county may be withdrawn from the office of the county superintendent of that county and consolidated with the office of the county superintendent of a contiguous county in the manner and under the procedures provided for the consolidation of whole counties, and thereafter such consolidated district or districts will be subject to all provisions of law that are applicable to consolidated counties.

Withdrawal
and consolida-
tion author-
ized.

SEC. 25. Section 29, chapter 157, Laws of 1955 and RCW 28.19.110 are each amended to read as follows:

RCW 28.19.110
amended.

The board of county commissioners of each county annually at the time the budgets are prepared for the several county offices shall allocate from county funds to the county superintendent for his budget an amount sufficient to allow the county superintendent to fulfill the duties and powers of his office.

Budget.

RCW 28.19.180 amended.

SEC. 26. Section 30, chapter 157, Laws of 1955 and RCW 28.19.180 are each amended to read as follows:

—Budgets.

The budget of the county superintendent of a consolidation of county superintendents' offices shall be approved by the joint county board of education. The boards of county commissioners of a consolidation shall allocate from county funds for the county superintendent's budget a total amount sufficient to allow the county superintendent to fulfill the duties and power of his office. Each county shall allocate a percentage of the total amount as determined above equal to the percentage that the assessed value of all taxable property in the county bears to the assessed value of all taxable property in the consolidation of counties. The county commissioners of each county shall order the transfer of such funds to the county treasurer in the county wherein the county superintendent's headquarters office is located to be credited to his budget, and the county treasurer of said county shall be the custodian of the fund, and the auditor of that county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.

RCW 28.19.120 amended.

SEC. 27. Section 31, chapter 157, Laws of 1955 and RCW 28.19.120 are each emended to read as follows:

—Duties of state board
—Allocation by superintendent of public instruction.

The state board of education shall examine the budget of each county superintendent and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the county superintendents' budgets as approved by the state board of education and shall require the state superintendent of public instruction to allocate this amount from the current state school fund or from funds otherwise appropriated for that purpose to the

county treasurers for deposit to the credit of the county superintendents' budgets for the use of the common schools. In each county or consolidation of county superintendents' offices there is hereby created a county superintendent's special service fund into which such funds as are allocated by the superintendent of public instruction under provisions of this act and all such funds as are not specifically allocated by the county current expense fund, shall be deposited, and such funds shall be expended by warrants drawn by the county auditor upon vouchers approved by the county superintendent and the county board of education.

SEC. 28. There is added to Title 28 RCW a new section to read as follows: New section.

If the boundaries of any school district within a county or within a consolidation of counties as provided for in this act are changed in any manner so as to affect county board-member districts, the boundaries of the county board-member districts so affected shall be changed by the county committee on school district organization so as to include all of the school district as constituted by such change of boundaries within the county board-member district in which such school district was located before its change of boundaries was effected. Procedure if boundary change affects board member district.

SEC. 29. There is added to Title 28 RCW a new section to read as follows: New section.

Where two or more counties are consolidated or where one or more counties are consolidated with a part or parts of one or more counties as provided for in this act, a county superintendent shall be elected as county superintendent of such consolidation. The population of such consolidation shall be determined by the county board of education or the joint county boards of education, and the salary of the county superintendent of such consolidation shall be the same as the salary of the county super- —Election of superintendent—Salary.

intendent in a single county having a population equal to that of the population of the consolidation as determined by the county board of education or joint county boards of education.

New section.

SEC. 30. There is added to Title 28 RCW a new section to read as follows:

Plan for consolidation of offices.

The state board of education is authorized and directed, in cooperation with the superintendent of public instruction, the county superintendents, the county boards of education and the county committees on school district organization, to prepare a comprehensive plan for the consolidation of county superintendents' offices for service areas, such comprehensive plan to be prepared for consideration by the 1961 state legislature.

Severability.

SEC. 31. If any section or provision of this act 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 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 217.

[S. B. 186.]

CEMETERY PROPERTY—STATE HIGHWAY PURPOSES.

AN ACT providing for the passage of state highways through cemeteries and amending section 69, chapter 247, Laws of 1943, as last amended by section 1, chapter 69, Laws of 1947 and RCW 68.24.180.

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

SECTION 1. Section 69, chapter 247, Laws of 1943, as amended by section 1, chapter 69, Laws of 1947 and RCW 68.24.180 are each amended to read as follows:

RCW 68.24.180 amended.

After dedication pursuant to this act, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning an operating it, or of not less than two-thirds of the owners of interment plots: *Provided*, That so long as the action is commenced prior to March 31, 1961, the Washington state highway commission may condemn for state highway purposes for Primary State Highway No. 14 in the vicinity of Gig Harbor land in any burial ground or cemetery in the following cases: (1) Where no organized or known authority is in charge of any such cemetery, or (2) where the necessary consent cannot be obtained and the court shall find that considerations of highway safety necessitate the taking of such land. Any judgment entered in such condemnation proceedings shall provide and require that before any entry is made on the land condemned for the purpose of construction or for the use of the same for state highway purposes, the state shall, at its own expense, remove or cause to be removed, from such land any

Opening of public thoroughfare or utility through cemetery—Consent required.

bodies buried therein and suitably reinter them elsewhere to the satisfaction of relatives, if they can be found.

Passed the Senate February 19, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 218.

[S. B. 219.]

PUBLIC UTILITY DISTRICTS—FINANCES.

AN ACT relating to public utility district financing; authorizing funding and refunding procedures; amending section 8, chapter 390, Laws of 1955 and RCW 54.16.070, section 1, chapter 140, Laws of 1957 and RCW 54.24.010, sections 1, 2, and 4 through 11, chapter 182, Laws of 1941 and section 3, chapter 182, Laws of 1941, as amended by section 2, chapter 143, Laws of 1945, and RCW 54.24.020 through 54.24.120, adding two sections to chapter 54.04 RCW; and declaring an emergency.

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

RCW 54.16.070 amended.

SECTION 1. Section 8, chapter 390, Laws of 1955, and RCW 54.16.070 are each amended to read as follows:

May borrow money and issue bonds.

A district may contract indebtedness or borrow money for any corporate purpose on its credit or on the revenues of its public utilities, and to evidence such indebtedness may issue general obligation bonds or revenue obligations, the general obligation bonds not to be sold for less than par and accrued interest; may issue and sell local utility district bonds of districts created by the commission, and may purchase with surplus funds such local utility district bonds, and may create a guaranty fund to insure prompt payment of all local utility district bonds.

RCW 54.24.010 amended.

SEC. 2. Section 1, chapter 140, Laws of 1957 and RCW 54.24.010 are each amended to read as follows:

Treasurer—
Bond—Duties
—Funds—
Depositories.

The treasurer of the county in which a utility district is located shall be ex officio treasurer of the district: *Provided*, That the commission by resolution may designate some other person having experience in financial or fiscal matters as treasurer of the utility district. The commission may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the commission by resolution from time to time finds will protect the district against loss. The premium on any such bond shall be paid by the district.

All district funds shall be paid to the treasurer and shall be disbursed by him only on warrants issued by an auditor appointed by the commission, upon orders or vouchers approved by it. The treasurer shall establish a public utility district fund, into which shall be paid all district funds, and he shall maintain such special funds as may be created by the commission, into which he shall place all money as the commission may, by resolution, direct.

If the treasurer of the district is the treasurer of the county all district funds shall be deposited with the county depositories under the same restrictions, contracts, and security as provided for county depositories; if the treasurer of the district is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state as the commission by resolution shall designate, and with surety bond to the district or securities in lieu thereof of the kind, no less in amount, as provided in RCW 36.48.020 for deposit of county funds.

Such surety bond or securities in lieu thereof shall be filed or deposited with the treasurer of the district, and approved by resolution of the commission.

All interest collected on district funds shall be-

long to the district and be deposited to its credit in the proper district funds.

A district may provide and require a reasonable bond of any other person handling moneys or securities of the district: *Provided*, That the district pays the premium thereon.

RCW 54.24.020
amended.

SEC. 3. Section 1, chapter 182, Laws of 1941 and RCW 54.24.020 are each amended to read as follows:

Bonds or war-
rants for cost
of utilities.

Whenever the commission of a public utility district, organized pursuant to chapter 1 of the Laws of 1931 (sections 11605 et seq. of Remington's Revised Statutes) shall deem it advisable that the district purchase, purchase and condemn, acquire or construct any public utility, or make any additions or betterments thereto or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for working capital for the operation of such public utility by the district and for the payment of the expenses incurred in the acquisition or construction thereof, and shall specify whether general obligation bonds or revenue obligations are to be issued to defray such cost and the amount of such general obligation bonds or revenue obligations.

The commissioners may provide in such resolution that any additional works, plants, or facilities subsequently acquired or constructed by the district for the same uses, whether or not physically connected therewith, shall be deemed additions or betterments to or extensions of such public utility.

RCW 54.24.030
amended.

SEC. 4. Section 2, chapter 182, Laws of 1941 and RCW 54.24.030 are each amended to read as follows:

Whenever the commission shall deem it advisable to issue revenue obligations for the purpose of defraying the cost or part of the cost of such public

utility or any additions or betterments thereto or extensions thereof, it shall have power as a part of such plan and system to create a special fund or funds for the purpose of defraying the cost of such public utility, or additions or betterments thereto or extensions thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, or an amount of such revenues equal to a fixed percentage of the aggregate principal amount of revenue obligations at any time issued against the special fund or funds, and to issue and sell revenue obligations payable as to both principal and interest only out of such fund or funds.

Revenue
bonds or war-
rants—Form—
Special fund—
Short term
obligations—
Time and
place of pay-
ment—Inter-
est.

Such revenue obligations shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, or both, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as the commission shall by resolution determine.

Any resolution or resolutions authorizing the issuance of any revenue obligations maturing in not exceeding six years from the date thereof (hereinafter in this section referred to as "short term obligations") may contain, in addition to all other provisions authorized by this title, and as an alternate method for the payment thereof, provisions which shall be a part of the contract with the holders of the short term obligations thereby authorized as to:

(1) Refunding the short term obligations at or prior to maturity and, if so provided, outstanding

Revenue
bonds or war-
rants—Form—
Special fund—
Time and
place of pay-
ment—Short
term obliga-
tions—Inter-
est.

bonds by the issuance of revenue bonds of the district either by the sale of bonds and application of the proceeds to the payment of the short term obligations and outstanding bonds or by the exchange of bonds for the short term obligations;

(2) Satisfying, paying, or discharging the short term obligations at the election of the district by the tender or delivery of revenue bonds of the district in exchange therefor: *Provided*, That the aggregate principal amount of bonds shall not exceed by more than five percent the aggregate principal amount of the short term obligations, to satisfy, pay, or discharge said short term obligations for which the bonds are tendered or delivered;

(3) Exchanging or converting the short term obligations at the election of the holder thereof for or into the bonds of the district: *Provided*, That the aggregate principal amount of the bonds shall not exceed by more than five percent the aggregate principal amount of the short term obligations to be exchanged for or converted into bonds;

(4) Pledging bonds of the district as collateral to secure payment of the short term obligations and providing for the terms and conditions of the pledge and the manner of enforcing the pledge, which terms and conditions may provide for the delivery of the bonds in satisfaction of the short term obligations: *Provided*, That the aggregate principal amount of the bonds pledged shall not exceed by more than five percent the aggregate principal amount of the short term obligations to secure said short term obligations for which they are pledged;

(5) Depositing bonds in escrow or in trust with a trustee or fiscal agent or otherwise providing for the issuance and disposition of the bonds as security for carrying out any of the provisions in any resolution adopted pursuant to this section and providing for the powers and duties of the trustee, fiscal

agent, or other depositary and the terms and conditions upon which the bonds are to be issued, held and disposed of;

(6) Any other matters of like or different character which relate to any provision or provisions of any resolution adopted pursuant to this section.

A district shall have power to make contracts for the future sale from time to time of revenue obligations by which the purchasers shall be committed to purchase such revenue obligations from time to time on the terms and conditions stated in such contract; and a district shall have power to pay such consideration as it shall deem proper for such commitments.

SEC. 5. Section 5, chapter 182, Laws of 1941 and RCW 54.24.040 are each amended to read as follows:

RCW 54.24.040 amended.

In creating any special fund for the payment of revenue obligations, the commission shall have due regard to the cost of operation and maintenance of the plant or system constructed or added to, and to any proportion or amount of the revenues previously pledged as a fund for the payment of revenue obligations, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than in its judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such revenue obligations and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against such special fund and the proportion or amount of the revenues pledged to such fund, but shall constitute a prior charge over all other charges or claims whatsoever, including the charge or lien of any general obligation bonds against such fund and the proportion or amount of the revenues pledged thereto. Such revenue obligations shall not constitute an indebtedness of such district within the meaning of

Considerations in creating special fund.

the constitutional provisions and limitations. Each revenue obligation shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it, or shall describe such alternate method for the payment thereof as shall be provided by the resolution authorizing same.

It is the intention hereof that any pledge of the revenues or other moneys or obligations made by a district shall be valid and binding from the time that the pledge is made; that the revenues or other moneys or obligations so pledged and thereafter received by a district shall immediately be subject to the lien of such pledge without any physical delivery or further act, and that the lien of any such pledge shall be valid and binding as against any parties having claims of any kind in tort, contract, or otherwise against a district irrespective of whether such parties have notice thereof. Neither the resolution or other instrument by which a pledge is created need be recorded.

RCW 54.24.050
amended.

SEC. 6. Section 3, chapter 182, Laws of 1941, as amended by section 2, chapter 143, Laws of 1945, and RCW 54.24.050 are each amended to read as follows:

Covenants to
secure bond-
holders.

Any resolution creating any such special fund or authorizing the issue of revenue obligations payable therefrom, or by such alternate method of payment as may be provided therein, shall specify the title of such revenue obligations as determined by the commission and may contain covenants by the district to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of sale of such obligations may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenues of the public utility, and any additions or better-

ments 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;

(3) The amount, if any, of additional revenue obligations payable from such fund which may be issued and the terms and conditions on which such additional revenue obligations may be issued;

(4) 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;

(5) The operation, maintenance, management, accounting, and auditing of the public utility;

(6) The terms and prices upon which such revenue obligations or any of them may be redeemed at the election of the district;

(7) Limitations upon the right to dispose of such public utility or any part thereof without providing for the payment of the outstanding revenue obligations; and

(8) 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.

SEC. 7. Section 4, chapter 182, Laws of 1941 and RCW 54.24.060 are each amended to read as follows:

Such utility revenue obligations shall be sold and delivered in such manner and for such price or prices and at such time or times as the commission shall deem for the best interests of the district: *Provided*, That the net interest cost to the district over the life of any issue of revenue obligations shall not exceed six percent per annum. The words "life of

RCW 54.24.060
amended.

Sale of
revenue
obligations.

"Life of any issue of revenue obligations."

any issue of revenue obligations" shall mean the period from the date thereof, or from the interest payment date next preceding the delivery thereof, whichever is the later, to the respective maturity dates of the revenue obligations constituting such issue, and the words "net interest cost" shall mean the aggregate of the interest payable on all of the revenue obligations constituting such issue over the life thereof as above defined, less the amount of any premium payable by the purchaser thereof, or plus the amount of any discount if sold at less than par. The amount of premium, if any, which might become payable upon the redemption of such revenue obligations prior to the maturity thereof shall not be considered in determining such net interest cost. The commission may, if it deem it to the best interest of the district, provide in any contract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue obligations at the par value thereof.

"Net income cost."

RCW 54.24.070 amended.

SEC. 8. Section 6, chapter 182, Laws of 1941 and RCW 54.24.070 are each amended to read as follows:

Registration of bonds—Prima facie validity.

Prior to the issue and delivery of any revenue obligations, such obligations and a certified copy of the resolution authorizing the issuance thereof shall if the revenue obligation mature in whole in more than six years from date thereof, and may if the revenue obligations mature in whole in not more than six years from date thereof, be forwarded by the commission to the state auditor together with any additional information that he may require, and when such revenue obligations have been examined they shall be registered by the state auditor in books to be kept by him for the purpose and a certificate of such registration shall be endorsed upon each revenue obligation and signed by the state auditor

or a deputy appointed by him for the purpose. Such revenue obligations, after having been so registered and bearing such certificate, shall be held in every action, suit, or proceeding in which their validity is or may be brought into question prima facie valid and binding obligations of the districts in accordance with their terms, notwithstanding any defects or irregularities in the proceedings for the organization of the district and the election of the commissioners thereof or for the authorization and issuance of such revenue obligations or in the sale, execution, or delivery thereof.

SEC. 9. Section 7, chapter 182, Laws of 1941 and RCW 54.24.080 are each amended to read as follows:

RCW 54.24.080
amended.

The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

Rates and
charges.

SEC. 10. Section 8, chapter 182, Laws of 1941 and RCW 54.24.090 are each amended to read as follows:

RCW 54.24.090
amended.

Whenever any district shall have outstanding any utility revenue obligations, the commission shall have power by resolution to provide for the issuance of funding or refunding revenue obligations with which to take up and refund such outstanding

Funding and
refunding
bonds.

revenue obligations or any part thereof at the maturity thereof or before maturity if the same be by their terms or by other agreement subject to call for prior redemption, with the right in the commission to include various series and issues of such outstanding revenue obligations in a single issue of funding or refunding revenue obligations, and to issue refunding revenue obligations to pay any redemption premium payable on the outstanding revenue obligations being funded or refunded. Such funding or refunding revenue obligations shall be payable only out of a special fund created out of the gross revenues of such public utility, and shall only be a valid claim as against such special fund and the amount of the revenues of such utility pledged to such fund. The net interest cost to the district over the life of any issue of such revenue obligations shall not exceed six percent per annum computed as provided in section 7 of this act. Such funding or refunding revenue obligations shall in the discretion of the commission be exchanged at par for the revenue obligations which are being funded or refunded or shall be sold in such manner as the commission shall deem for the best interest of the district. Said funding or refunding revenue obligations shall except as specifically provided in this section, be issued in accordance with the provisions with respect to revenue obligations in this act set forth.

RCW 54.24.100
amended.

SEC. 11. Section 9, chapter 182, Laws of 1941 and RCW 54.24.100 are each amended to read as follows:

Bonds and
coupons, how
signed.

All revenue obligations, including funding and refunding revenue obligations, shall be executed in such manner as the commission may determine: *Provided*, That at least one signature on each such revenue obligation shall be a manual signature of a member of the commission: *Provided*, That war-

rants may be signed as provided in RCW 54.24.010. The interest coupons attached to any revenue obligations may be executed with facsimile or lithographed signatures, or otherwise, as the commission may determine.

SEC. 12. Section 10, chapter 182, Laws of 1941 and RCW 54.24.110 are each amended to read as follows:

RCW 54.24.110 amended.

The provisions of this act and the provisions of chapter 1, Laws of 1931, not hereby superseded, and of any resolution or resolutions providing for the issuance of any revenue obligations as herein set forth shall constitute a contract with the holder or holders of such revenue obligations and the agreements and covenants of the district and its commission under said acts and any such resolution or resolutions shall be enforceable by any revenue obligation holder by mandamus or any other appropriate suit or action in any court of competent jurisdiction.

Resolution as contract.

SEC. 13. Section 11, chapter 182, Laws of 1941 and RCW 54.24.120 are each amended to read as follows:

RCW 54.24.120 amended.

All bonds, warrants, and revenue obligations issued under the authority of chapter 1, Laws of 1931 and this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county, city, or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys and shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state and for savings and loan associations, banks, and insurance companies doing business in this state. All such bonds, warrants, and revenue obligations and all coupons appertaining thereto shall be negotiable instruments within the meaning of and for all purposes of the negotiable instruments law of this state.

Obligations as lawful securities and investments.

New section.

SEC. 14. There is added to chapter 54.04 RCW a new section to read as follows:

“Revenue obligations” defined.

As used in this title “revenue obligation” or “revenue obligations” mean and include bonds, notes, warrants, certificates of indebtedness, or any other evidences of indebtedness issued by a district which, by the terms thereof, shall be payable from the revenues of its public utilities.

New section.

SEC. 15. There is added to chapter 54.24 RCW a new section to read as follows:

Destruction of revenue obligations authorized.

After any revenue obligations or interest coupons have been canceled or paid they may be destroyed as directed by the district, any provisions of chapter 40.14 RCW notwithstanding: *Provided*, That a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the district.

Emergency.

SEC. 16. 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 20, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 219.

[S. B. 258.]

CORPORATIONS—INSOLVENCY—PREFERENCES.

AN Act relating to preferences by insolvent corporations; providing a definition of insolvency; adding a requirement of knowledge; and amending sections 1 and 3, chapter 103, Laws of 1941, and RCW 23.72.010 and 23.72.030.

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

SECTION 1. Section 1, chapter 103, Laws of 1941 and RCW 23.72.010 are each amended to read as follows: RCW 23.72.010 amended.

Words and terms used in this chapter shall be defined as follows: Definitions.

(1) "Receiver" means any receiver, trustee, common law assignee, or other liquidating officer of an insolvent corporation; "Receiver."

(2) "Date of application" means the date of filing with the clerk of the court of the petition or other application for the appointment of a receiver, pursuant to which application such appointment is made; or in case the appointment of a receiver is lawfully made without court proceedings, it means the date on which the receiver is designated, elected or otherwise authorized to act as such; "Date of application."

(3) "Preference" means a judgment procured or suffered against itself by an insolvent corporation or a transfer of any of the property of such corporation, the effect of the enforcement of which judgment or transfer at the time it was procured, suffered, or made, would be to enable any one of the creditors of such corporation to obtain a greater percentage of his debt than any other creditor of the same class; "Preference."

(4) "Insolvent" means, for the purposes of this act, a condition whereby the aggregate of a corporation's property, exclusive of any property which it "Insolvent."

may have conveyed, transferred, concealed, removed or permitted to be concealed or removed, with intent to defraud, hinder, or delay its creditors, shall not at a fair valuation be sufficient in amount to pay its debts.

RCW 23.72.030 amended.

SEC. 2. Section 3, chapter 103, Laws of 1941, and RCW 23.72.030 are each amended to read as follows:

Preference voidable, when.

Any preference made or suffered within four months before the date of application for the appointment of a receiver may be avoided and the property or its value recovered by such receiver, if the person receiving the preference or to be benefited thereby or his agent acting therein shall then have reasonable cause to believe that the debtor corporation is insolvent. No preference made or suffered prior to such four months' period may be recovered, and all provisions of law or of the trust fund doctrine permitting recovery of any preference made beyond such four months' period are hereby specifically superseded.

Passed the Senate March 5, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 220.

[S. B. 267.]

MASSACHUSETTS TRUST ACT OF 1959.

AN ACT relating to creation, taxation, and regulation of the Massachusetts trust form of business association.

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

SECTION 1. This act may be known and cited as the "Massachusetts Trust Act of 1959". Short title.

SEC. 2. A Massachusetts trust is an unincorporated business association created at common law by an instrument under which property is held and managed by trustees for the benefit and profit of such persons as may be or may become the holders of transferable certificates evidencing beneficial interests in the trust estate, the holders of which certificates are entitled to the same limitation of personal liability extended to stockholders of private corporations. Massachusetts trust defined.

SEC. 3. A Massachusetts trust is permitted as a recognized form of association for the conduct of business within the state of Washington. Trust authorized.

SEC. 4. (1) Any Massachusetts trust desiring to do business in this state shall file with the secretary of state a verified copy of the trust instrument creating such a trust and any amendment thereto, the assumed business name, if any, and the names and addresses of its trustees; and it shall also file true copies of the foregoing with the county auditor in the county in which it has its principal place of business in this state, and also in any county in which it owns any real property. Procedure to do business in state.

(2) Any person dealing with such Massachusetts trust shall be bound by the terms and conditions of the trust instrument and any amendments thereto so filed. Trust instrument binding.

Taxes or
fees.

(3) Any Massachusetts trust created under this act or entering this state pursuant thereto shall pay such taxes and fees as are imposed by the laws, ordinances, and resolutions of the state of Washington and any counties and municipalities thereof on domestic and foreign corporations, respectively, on an identical basis therewith. In computing such taxes and fees, the shares of beneficial interest of such a trust shall have the character for tax purposes of shares of stock in private corporations.

Corporation
law appli-
cable.

(4) Any Massachusetts trust shall be subject to such applicable provisions of law, now or hereafter enacted, with respect to domestic and foreign corporations, respectively, as relate to the issuance of securities, filing of required statements or reports, service of process, general grants of power to act, right to sue and be sued, limitation of individual liability of shareholders, rights to acquire, mortgage, sell, lease, operate and otherwise to deal in real and personal property, and other applicable rights and duties existing under the common law and statutes of this state in a manner similar to those applicable to domestic and foreign corporations.

Rules and
regulations
authorized.

(5) The secretary of state, director of licenses, and the tax commission of the state of Washington, and the several county auditors in which any such Massachusetts trust shall have its principal place of business or own any real property are each authorized and directed to prescribe binding rules and regulations applicable to said Massachusetts trusts consistent with this act.

Severability.

SEC. 5. Notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or cir-

cumstances other than those as to which it is held invalid shall not be affected thereby.

Passed the Senate March 6, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 221.

[S. B. 294.]

FIRE PROTECTION DISTRICTS—FINANCES.

AN ACT relating to fire protection districts; amending section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 134, Laws of 1955, and RCW 52.16.020; and amending section 39, chapter 34, Laws of 1939 as last amended by section 3, chapter 134, Laws of 1955, and RCW 52.16.070.

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

SECTION 1. Section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 134, Laws of 1955, and RCW 52.16.020 are each amended to read as follows:

RCW 52.16.020
amended.

In each county in which a fire protection district is situated, there are hereby created in the county treasurer's office, for the use of each said district, the following funds: (1) Expense fund; (2) coupon warrant fund; (3) reserve fund; (4) local improvement district No. fund; and (5) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes and for the purchase of firefighting equipment and apparatus and for the housing thereof, when collected, and proceeds from the sale of coupon warrants shall be placed by the county treasurer in the expense fund. All taxes levied for the payment of coupon warrants and interest thereon, when collected, shall be placed by the county treasurer in the coupon warrant fund. Proceeds from the sale of general obligation bonds

Funds.

shall be placed by the county treasurer in the expense fund. The board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose, and taxes shall be levied therefor, and all such taxes, when collected, shall be placed by the county treasurer in the reserve fund; said reserve fund, or any part thereof, may be transferred by the county treasurer to any other funds of the district at any time upon order of the board of fire commissioners. All special taxes levied against the lands in any improvement district within the district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

RCW 52.16.070
amended.

SEC. 2. Section 39, chapter 34, Laws of 1939 as last amended by section 3, chapter 134, Laws of 1955, and RCW 52.16.070 are each amended to read as follows:

Obligations
shall not
exceed taxes
and cash
balances.

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years for the same fund or funds.

Passed the Senate February 19, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 222.

[S. B. 295.]

AGRICULTURAL, VEGETABLE, WEED SEEDS.

AN ACT relating to agricultural seeds, vegetable seeds, weeds and weed seeds; and amending section 2, chapter 233, Laws of 1955 and RCW 15.48.010; section 5, chapter 233, Laws of 1955 and RCW 15.48.040; section 7, chapter 233, Laws of 1955 and RCW 15.48.060.

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

SECTION 1. Section 2, chapter 233, Laws of 1955 and RCW 15.48.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Director" means the director of agriculture of the state of Washington and his authorized deputies or agents;

Definitions.
"Director."

(2) "Agricultural seeds" include the seeds of grass, forage, cereal and fiber crops, and any other kind of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds;

"Agricultural seeds."

(3) "Vegetable seeds" include seeds of those crops grown in gardens or truck farms and generally known and sold in the state as vegetable seeds;

"Vegetable seeds."

(4) "Certified seeds" include seeds which have been inspected in the field and after harvest, and have been graded and certified by the director as complying with the rules and regulations adopted hereunder;

"Certified seeds."

(5) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state and shall include primary and secondary noxious seeds;

"Weed seeds."

(6) "Primary (prohibited) noxious weed seeds" are seeds of weeds which reproduce by seed or underground roots or stems, and which are highly destructive and difficult to control by ordinary good cultural practices, including, but subject to additions

"Primary (prohibited) noxious weed seeds."

or subtractions by the director as herein provided, the seeds of: bindweed (wild morning glory), (*Convolvulus arvensis* and *C. sepium*), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), white-top (hoary cress) (*Cardaria* spp.), perennial peppergrass (*Lepidium latifolium*), Russian knapweed (*Centaurea repens*, *C. picris*), leafy spurge (*Euphorbia esula*), white horse nettle (silver-leaf nightshade) (*Solanum elaeagnifolium*), camel thorn (*Alhagi camelorum*), Austrian field cress (*Roripa austriaca*), blue flowering lettuce (*Lactuca pulchella*), common barberry bushes (rust-susceptible species of barberry and Mahonia) (*Berberis* spp., *Mahonia* spp.), yellow toadflax (butter and eggs) (*Linaria vulgaris*) and Johnson grass (*Sorghum Halepense*);

"Secondary (restricted) noxious weed seeds."

(7) "Secondary (restricted), noxious weed seeds" are seeds of weeds which are very objectionable in fields, lawns, or gardens but which can be controlled by good cultural practices including, but subject to additions or subtractions by the director as herein prescribed, the seeds of: Dodder (*Cuscuta* spp.), perennial rag weed (*Ambrosia psilostachya*), poverty weed (deathweed) (*Iva axillaris*), alkali mallow (*Sida hederacea*), corn cockle (*Agrostemma githago*), docks (*Rumex* spp.), sheep sorrel (red sorrel) (*Rumex acetosella*), charlock (wild mustard) (*Brassica kaber*), plantains (*Plantago* spp.), perennial ground cherry (*Physalis longifolia* and *P. subglabrata*), fanweed (*Thlaspi arvense*), yellow starthistle (*Centaurea solstitialis*), perennial nutgrass (nut sedge) (*Cyperus rotundus*), puncturevine (*Tribulus terrestris*), wild garlic (wild onion) (*Allium vineale*), and St. Johnswort (Klamath weed) (*hypericum perforatum*);

"Advertisement."

(8) "Advertisement" means all representations, other than those on the label, disseminated in any

manner or by any means relating to seed within the scope of this chapter;

(9) "Label" includes labels, tags, invoices and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to seeds whether in bulk or containers; "Label."

(10) "Seed grower" means one engaged in agricultural or horticultural pursuits who, at the time of signing a petition for a seed control area or at the time of voting on any proposition in connection therewith, is growing vegetable seed crops or has grown them within one year prior thereto; "Seed grower."

(11) "Seed contractor" means a person licensed by the state to contract the growing of vegetable seeds; "Seed contractor."

(12) "Seed families" means any seed crops which will cross-pollinate; "Seed families."

(13) "Person" includes any individual, firm, corporation, trust, association, co-operative, copartnership, society or other organization of individuals, in any other business unit, device, or arrangement; "Person."

(14) "Pure live seed" means the measure of quality of any given quantity of seed which is determined by adding percentage of germination ability and the percentage of hard seed, multiplying that sum by the percentage of pure seed, and dividing the resulting figure by one hundred; and "Pure live seed."

(15) "Treated" means that the seed has received an application of a substance or has been subjected to a process, which substance or process is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom. "Treated."

SEC. 2. Section 5, chapter 233, Laws of 1955 and RCW 15.48.040 are each amended to read as follows: RCW 15.48.040 amended.

Labels for agricultural seeds shall give:

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each

Contents of
agricultural
seed labels.

agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(2) Lot number or other lot identification;

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

(4) Percentage by weight of all weed seeds. Rye shall be considered a weed when found in other cereal crop seeds;

(5) The name and approximate number of each kind of secondary (restricted) noxious weed seed, per pound, in groups (a), (b) and (c) of this subsection, when present singly or collectively in excess of:

(a) One seed or bulblet in each ten grams of *Argrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except tall fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(b) One seed or bulblet in each twenty-five grams of ryegrass, tall fescue, millet, alfalfa, red clover, sweet clover, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (a); or

(c) One seed or bulblet in each one hundred grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed

in the rules and regulations issued under the authority of this chapter.

(6) Percentage by weight of agricultural seeds other than those required to be named on the label;

(7) Percentage by weight of inert matter;

(8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired;

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

(10) If the seed has been treated, a word or statement so indicating with the commonly accepted chemical or abbreviated chemical (generic) name of the applied substance;

(11) If the substance with which a seed is treated is harmful to human beings or other vertebrate animals in the amount present by application, a statement of caution, such as "do not use for food, feed or oil purposes" must appear. The statement of caution for mercurials and other similarly toxic substances shall be a statement or a symbol indicating that the applied substance is poisonous;

(12) A separate label may be used to show the statements required in subsection (10) and (11), where applicable. However, the requirements in subsections (10) and (11) shall not apply to uncertified wheat, oats, or barley seed sold in bulk.

SEC. 3. Section 7, chapter 233, Laws of 1955 and RCW 15.48.060 are each amended to read as follows:

It shall be unlawful to sell, offer or expose for sale any agricultural or vegetable seed for seeding purposes within this state:

(1) Unless the test to determine the percentage

RCW 15.48.060
amended.

Unlawful sale,
etc. of seeds.

Unlawful sale,
etc. of seeds.

of germination shall have been completed within eighteen months, exclusive of the calendar month in which the test was completed, prior to the sale, offering for sale, or exposure for sale;

(2) Not labeled as required herein, or having a false or misleading label;

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

(4) Containing primary (prohibited) noxious weed seeds in excess of the tolerance permitted under the rules and regulations; or

(5) Containing a total of all weed seeds in excess of two percent of the whole by weight: *Provided*, That three percent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found;

(6) Containing in any given unit, less than twenty-five percent pure live seed, as defined in RCW 15.48.010 (14) of this amendatory act of 1959. However, this subsection shall not apply to uncertified wheat, oats, or barley seed.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 223.

[S. B. 296.]

WASHINGTON ANIMAL REMEDY ACT.

AN ACT relating to the regulation of animal remedies; providing a short title; and amending section 1, chapter 211, Laws of 1939 (uncodified).

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

SECTION 1. Section 1, chapter 211, Laws of 1939 (uncodified) is amended to read as follows:

1939 c 211 § 1 amended.

This act may be cited as the Washington animal remedy act.

Short title.

Passed the Senate March 5, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 224.

[S. B. 379.]

FIRE PROTECTION OF ESTABLISHMENTS FOR MENTALLY ILL AND ALCOHOLICS.

AN ACT relating to standards for fire protection and the enforcement thereof in private establishments caring for the insane, alleged insane, mentally ill, mentally incompetent persons, or alcoholics; adding a new section to chapter 25, Laws of 1959, and to chapter 71.12 RCW.

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

SECTION 1. There is added to chapter 25, Laws of 1959 and to chapter 71.12 RCW, a new section to read as follows:

New section

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt such recognized standards as may be applicable to such establish-

Standards for private establishments — Fire marshal's responsibility.

Inspection
prerequisite
to licensing.

ments for the protection of life against the cause and spread of fire and fire hazards. The department of health, upon receipt of an application for a license, or renewal of a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the state fire marshal, he shall promptly make a written report to the establishment and the department of health as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of health, applicant or licensee shall notify the state fire marshal upon completion of any requirements made by him, and the state fire marshal or his deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the state fire marshal, he shall submit to the department of health a written report approving same with respect to fire protection before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such establishments at least annually. The department of health shall not license or continue the license of any establishment unless and until it shall be approved by the state fire marshal as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire depart-

ment, shall make the inspection with the state fire marshal or his deputy, and they shall jointly approve the premises before a full license can be issued.

Passed the Senate March 1, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 225.

[S. B. 386.]

INSURANCE CODE.

AN ACT relating to insurance; adding a new section to chapter 79, Laws of 1947 and to chapter 48.02 RCW; amending section .11.14, chapter 79, Laws of 1947 and RCW 48.11.140; amending section .12.15, chapter 79, Laws of 1947, as amended by section 7, chapter 193, Laws of 1957, and RCW 48.12.150; amending section .15.07, chapter 79, Laws of 1947 and RCW 48.15.070; adding a new section to chapter 79, Laws of 1947 and to chapter 48.15 RCW; amending section .17.16, chapter 79, Laws of 1947, as amended by section 13, chapter 303, Laws of 1955, and RCW 48.17.160; amending section .21.04, chapter 79, Laws of 1947 and RCW 48.21.040; amending section .24.07, chapter 79, Laws of 1947, as last amended by section 21, chapter 303, Laws of 1955, and RCW 48.24.070; and amending section .23.35, chapter 79, Laws of 1947, as amended by section 15, chapter 193, Laws of 1957, and RCW 48.23.350.

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

SECTION 1. There is added to chapter 79, Laws of 1947 and to chapter 48.02 RCW a new section to read as follows: New section.

(1) In addition to such publications as are otherwise authorized under this code, the commissioner may from time to time prepare and publish: Additional publications authorized.

(a) Booklets containing the insurance code, or supplements thereto, and such related statutes as the commissioner deems suitable and useful for inclusion in an appendix of such booklet or supplement.

(b) Manuals and other material relative to examinations for licensing as provided in chapter 48.17 RCW.

(2) The commissioner may furnish copies of the insurance code, supplements thereto, and related statutes referred to in subdivision (a) above, free of charge to public offices and officers in this state concerned therewith, to public libraries in this state, to public officials of other states and jurisdictions, having supervision of insurance, to the library of congress, and to officers of the armed forces of the United States of America located at military installations in this state who are concerned with insurance transactions at or involving such military installations.

Sale authorized.

(3) Except as provided in subsection (2) above, the commissioner shall sell copies of the insurance code, supplements thereto, examination manuals and materials as referred to in subsection (1) above, at a reasonable price, fixed by the commissioner, in amount not less than the cost of publication, handling and distribution thereof. The commissioner shall promptly deposit all funds received by him pursuant to this subsection with the state treasurer to the credit of the general fund.

RCW 48.11.140 amended.

SEC. 2. Section .11.14, chapter 79, Laws of 1947 and RCW 48.11.140 are each amended to read as follows:

Limitation of single risk.

(1) No insurer shall retain any fire or surety risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent of its surplus to policyholders, except that:

(a) Domestic mutual insurers may insure up to the applicable limits provided by RCW 48.09.081, if greater.

(b) In the case of fire risks adequately protected by automatic sprinklers or fire risks princi-

pally of noncombustible construction and occupancy, an insurer may retain fire risks as to any one subject in an amount not exceeding twenty-five percent of the sum of (i) its unearned premium reserve and (ii) its surplus to policyholders.

(2) For the purposes of this section, a "subject of insurance" as to insurance against fire includes all properties insured by the same insurer which are reasonably subject to loss or damage from the same fire.

"Subject of insurance" includes.

(3) Reinsurance in an alien reinsurer not qualified under RCW 48.05.300 may not be deducted in determining risk retained for the purposes of this section.

(4) In the case of surety insurance, the net retention shall be computed after deduction of reinsurances, the amount assumed by any co-surety, the value or any security deposited, pledged, or held subject to the consent of the surety and for the protection of the surety.

(5) This section shall not apply to insurance of marine risks or marine protection and indemnity risks.

SEC. 3. Section .12.15, chapter 79, Laws of 1947, as amended by section 7, chapter 193, Laws of 1957, and RCW 48.12.150 are each amended to read as follows:

RCW 48.12.150 amended.

(1) This section shall be known as the standard valuation law.

Standard valuation law—Life insurance.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, except that in the case of an alien insurer such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying

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the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

(3) Minimum valuation standard:

(a) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of RCW 48.23.350 shall be as follows:

For policies issued prior to the operative date no standard of valuation for ordinary policies, whether on the net level premium, preliminary term, or select and ultimate reserve basis, shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half percent interest; except, that when the preliminary term basis is used it shall not exceed one year. The commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards, provided, that the interest rate used is not greater than three and one-half percent.

The legal minimum standard for the valuation of annuities issued on or after January 1, 1912, and prior to the operative date of RCW 48.23.350, shall be McClintock's Table of Mortality Among Annuityants, with interest at three and one-half percent per annum, but annuities deferred ten or more years and written in connection with life or term insurance may be valued on the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half percent per annum.

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The legal minimum standard for the valuation of industrial policies issued on or after the first day of January, 1912, and prior to the operative date of RCW 48.23.350, shall be the American Experience Table of Mortality with interest at three and one-half percent per annum; except, that any life insurer may voluntarily value such industrial policies according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table.

The legal minimum standard for the valuation of group life insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be, at the option of the life insurer issuing such policies, either the American Men Ultimate Table of Mortality, the Commissioners 1941 Standard Ordinary Mortality Table, or any other table approved by the commissioner, with interest at three and one-half percent per annum.

(b) The minimum standard for the valuation of all such policies and contracts issued on or after the operative date of RCW 48.23.350 shall be the Commissioners Reserve Valuation Method defined in subsection (4) of this section, three and one-half percent interest, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the

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Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of RCW 48.23.350 (5a), and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, that for any category of such policies issued on female risks on or after July 1, 1957, modified net premiums and present values, referred to in subsection (4) of this section, may be calculated according to an age not more than three years younger than the actual age of the insured.

(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table.

(iii) For annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the 1937 Standard Annuity Mortality Table.

(iv) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(v) For accidental death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For group life insurance, life insurance issued on the substandard basis and other special benefits,—such tables as may be approved by the commissioner.

(4) Commissioners Reserve Valuation Method: Reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform

amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b) as follows:

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(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this paragraph.

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(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of RCW 48.23.350, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (4) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(6) Optional reserve bases: Reserves for all policies and contracts issued prior to the operative date of RCW 48.23.350 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

For any category of policies, contracts or benefits specified in subsection (3) of this section, issued on or after the operative date of RCW 48.23.350, reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein: *Provided*, That reserves for participating life insurance policies issued on or after the operative date of RCW 48.23.350 may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half percent the insurer issuing such policies shall file with the

commissioner a plan providing for such equitable increases, if any, in the cash surrender values and non-forfeiture benefits in such policies as the commissioner shall approve.

Any such insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(7) Deficiency reserve: If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

SEC. 4. Section .15.07, chapter 79, Laws of 1947 and RCW 48.15.070 are each amended to read as follows:

RCW 48.15.070
amended.

Any person deemed by the commissioner to be competent and trustworthy and while maintaining an office at a designated location in this state may be licensed as a surplus line broker, as follows:

Surplus
line brokers
--Licensing.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the

license is in force. The license year shall be from the date of issuance of the license.

(3) Prior to issuance of license the applicant shall file with the commissioner and thereafter for as long as the license remains in effect he shall keep in force a bond in favor of the state of Washington in the penal sum of five thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. No such bond shall be terminated unless not less than thirty days prior written notice thereof is filed with the commissioner.

New section.

SEC. 5. There is added to chapter 79, Laws of 1947 and to chapter 48.15 RCW a new section to read as follows:

Liability of insurer assuming direct risk.

(1) If pursuant to the surplus lines provisions of this chapter an insurer has assumed direct risk under a coverage and the premium therefor has been paid to the broker who placed such insurance, the insurer shall be liable to the insured for unearned premiums payable upon cancellation of the insurance, whether or not the broker is indebted to the insurer for such premium or otherwise. This provision shall not affect rights as between the insurer and the broker.

(2) Each such insurer shall be deemed to have subjected itself to this section by acceptance of such direct risk.

RCW 48.17.160 amended.

SEC. 6. Section .17.16, chapter 79, Laws of 1947, as amended by section 13, chapter 303, Laws of 1955, and RCW 48.17.160 are each amended to read as follows:

(1) Each insurer on appointing an agent in this state shall file written notice thereof in duplicate

with the commissioner on forms as prescribed and furnished by him, and shall pay the filing fee therefor as provided in RCW 48.14.010. If then licensed, or as soon as licensed, the commissioner shall mail one copy of the appointment to the agent.

Appointment
of agents—
Revocation.

(2) Each such appointment shall continue in force until:

(a) The commissioner notifies the insurer that the person so appointed is no longer licensed as an agent by this state; or

(b) The appointment is revoked by the insurer by written notice of such revocation to the agent. The insurer shall forthwith file a duplicate copy of such notice of revocation with the commissioner. No fee shall be charged for filing such copy.

(3) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

SEC. 7. Section .21.04, chapter 79, Laws of 1947 and RCW 48.21.040 are each amended to read as follows:

RCW 48.21.040
amended.

(1) Any policy or contract of disability insurance which conforms with the description and complies with the requirements contained in one of the following six paragraphs shall be deemed a blanket disability insurance policy:

"Blanket
disability
insurance"
defined.

(a) A policy issued to any common carrier of passengers, which carrier shall be deemed the policyholder, covering a group defined as all persons who may become such passengers, and whereby such

"Blanket disability insurance" defined.

passengers shall be insured against loss or damage resulting from death or bodily injury either while, or as a result of, being such passengers.

(b) A policy issued in the name of any volunteer fire department, first aid or ambulance squad or volunteer police organization, which shall be deemed the policyholder, and covering all the members of any such organization against loss from accidents resulting from hazards incidental to duties in connection with such organizations.

(c) A policy issued in the name of any established organization whether incorporated or not, having community recognition and operated for the welfare of the community and its members and not for profit, which shall be deemed the policyholder, and covering all volunteer workers who serve without pecuniary compensation and the members of the organization, against loss from accidents occurring while engaged in the actual performance of duties on behalf of such organization or in the activities thereof.

(d) A policy issued to an employer, who shall be deemed the policyholder, covering any group of employees defined by reference to exceptional hazards incident to such employment, insuring such employees against death or bodily injury resulting while, or from, being exposed to such exceptional hazards.

(e) A policy covering students or employees issued to a college, school, or other institution of learning or to the head or principal thereof, who or which shall be deemed the policyholder.

(f) A policy or contract issued to any other substantially similar group which, in the commissioner's discretion, may be subject to the insurance of a blanket disability policy or contract.

(2) Nothing contained in this section shall be deemed to affect the liability of policyholders for

the death of, or injury to, any such members of such group.

(3) Individual applications shall not be required from individuals covered under a blanket disability insurance contract.

SEC. 8. Section .23.35 chapter 79, Laws of 1947, as amended by section 15, chapter 193, Laws of 1957, and RCW 48.23.350 are each amended to read as follows:

RCW 48.23.350 amended.

(1) This section shall be known as the standard nonforfeiture law.

Standard nonforfeiture law—Life insurance.

(2) Nonforfeiture provisions—Life: In the case of policies issued on or after the operative date of this section as defined in subsection (8), no policy of life insurance, except as stated in subsection (7), shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commission [commissioner] are at least as favorable to the defaulting or surrendering policyholder:

(a) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That, a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such elec-

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tion elects another available option not later than sixty days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefits which become effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the issuer [insurer] will pay upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such

method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

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insurance.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(3) Cash surrender value—Life: Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsections (5) and (5a) of this section corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the insurer on account of or secured by the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary,

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of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit—Life: Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(5) The adjusted premium—Life: The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: *Provided*, That in applying the percentages specified in (c) and (d) above, no adjusted premium

shall be deemed to exceed four percent of the amount of insurance or level amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purpose of the changed policy.

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In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this subsection shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

Except as otherwise provided in subsection (5a) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table: *Provided*, That for any category of ordinary insurance issued on female risks on or after July 1, 1957, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the in-

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sured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: *Provided*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: *Provided further*, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(5a) In the case of ordinary policies issued on or after the operative date of this subsection (5a) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. *Provided, however*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. *Provided, further*, That for insurance issued

on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

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After the effective date of this amendatory act of 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection, either as to designated ordinary policies or as to all ordinary policies issued by it, after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection as to such policies for such insurer), this subsection shall become operative with respect to such policies thereafter issued by such insurer. If an insurer makes no such election, or so elects to have this subsection apply as to certain of its ordinary policies only, the operative date of this subsection as to all of the ordinary policies issued by such insurer (other than those policies as to which the insurer has elected an earlier operative date as hereinabove provided) shall be January 1, 1966.

(6) Calculation of values—Life: Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (3), (4), (5) and (5a) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (3) of this

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section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(7) Exceptions: This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (5) and (5a) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

(8) Operative Date: After the effective date of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1948. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies there-

after issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be July 1, 1948.

SEC. 9. Section .24.07, chapter 79, Laws of 1947, as last amended by section 21, chapter 303, Laws of 1955, and RCW 48.24.070 are each amended to read as follows:

RCW 48.24.070
amended.

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry, or by one or more labor unions, or by one or more employers in the same industry and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

Trustee
groups.

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

(2) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the

premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least fifty persons at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

Passed the Senate March 1, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 226.

[S. B. 387.]

SEED LIENS.

AN ACT relating to seed liens; and amending section 1, chapter 336, Laws of 1955 and RCW 60.12.180.

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

SECTION 1. Section 1, chapter 336, Laws of 1955 and RCW 60.12.180 are each amended to read as follows:

Every person who, at the written request of the owner of real property, his agent, or tenant, furnishes seed for growing crops upon such real property shall have a lien for the agreed price or the

RCW 60.12.180
amended.

Seed liens.

reasonable value thereof upon any or all crops grown from such seed.

Passed the Senate February 20, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 227.

[S. B. 432.]

TAXING DISTRICTS—INDEBTEDNESS.

AN ACT relating to indebtedness of taxing districts; and amending section 1, chapter 143, Laws of 1917, as amended by section 2, chapter 163, Laws of 1953, and RCW 39.36.020.

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

SECTION 1. Section 1, chapter 143, Laws of 1917, as amended by section 2, chapter 163, Laws of 1953, and RCW 39.36.020 are each amended to read as follows:

RCW 39.36.020
amended.

(1) No taxing district except cities and towns shall for any purpose become indebted in any manner to an amount exceeding one and one-half percent of the last assessed valuation of the taxable property in such taxing district, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percent of the last assessed valuation of the taxable property in such taxing district.

Limitation of
indebtedness
prescribed.

(2) Cities and towns are limited to an indebtedness amount not exceeding one and one-half percent of the last assessed valuation of the taxable property in such cities or towns without the assent of three-fifths of the voters therein voting at an election to be held for that purpose. In cases requiring such

assent cities and towns are limited to five percent on the value of the taxable property therein (being twice the assessed valuation) as ascertained by the last completed and balanced tax rolls of such cities or towns for city or town purposes.

(3) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: *Provided*, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding five percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town: *Provided further*, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

Passed the Senate March 5, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 228.

[S. B. 525.]

ADVISORY COUNCIL FOR DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT.

AN ACT relating to the advisory council for the department of commerce and economic development; and amending section 9, chapter 215, Laws of 1957 and RCW 43.31.090.

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

SECTION 1. Section 9, chapter 215, Laws of 1957 and RCW 43.31.090 are each amended to read as follows:

To aid and advise the director in the performance

RCW 43.31.090
amended.

of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

Advisory council. Members—Terms, vacancies, expenses.

Passed the Senate March 3, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 229.

[S. B. 117.]

CRIMES—SHOPLIFTING.

AN ACT relating to crimes; defining shoplifting as a gross misdemeanor; providing for arrest thereon without warrant; and declaring reasonable cause a defense in civil or criminal actions by suspected persons.

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

SECTION 1. A person who willfully takes possession of any goods, wares or merchandise of the value of less than seventy-five dollars offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of a gross misdemeanor of shoplifting.

Shoplifting defined—Gross misdemeanor.

Arrest with-
out warrant
authorized.

SEC. 2. A peace officer may, upon a charge being made and without a warrant, arrest any person whom he has reasonable cause to believe has committed or attempted to commit the crime of shoplifting.

Reasonable
cause as
defense.

SEC. 3. Reasonable cause shall be a defense to a civil or criminal action brought for false arrest, false imprisonment, or wrongful detention against a peace officer, by a person suspected of shoplifting.

"Peace
officer"
defined.

SEC. 4. For the purposes of this act "peace officer" means a duly appointed city, county or state law enforcement officer.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 230.

[Sub. S. B. 323.]

APPLES—STANDARDS.

AN ACT relating to standards of grades and packs of agricultural commodities; amending section 1, chapter 222, Laws of 1939 and RCW 15.16.080; and adding a new section to chapter 15.16 RCW.

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

RCW 15.16.080
amended.

SECTION 1. Section 1, chapter 222, Laws of 1939 and RCW 15.16.080 are each amended to read as follows:

Apple grades
—Packs to
comply.

The director shall adopt and promulgate rules and regulations establishing the following grades of apples: For green and yellow varieties: (1) Extra fancy, (2) fancy, (3) C grade, (4) culls, and (5) infected culls. For red and partial red varieties: (1) Extra fancy, (2) fancy, (3) culls, and (4) infected culls.

No person shall pack, sell, or ship apples unless the same comply with the rules, regulations and grades adopted pursuant to RCW 15.16.010.

SEC. 2. There is added to chapter 15.16 RCW a new section to read as follows: New section.

The director when establishing standards of color requirements for red varieties and partial red varieties of apples shall establish color standards for such varieties which are not less than the following: Minimum standards of color requirements.

1. Arkansas Black Fifteen percent
2. Spitzenburg (Esopus) . . Fifteen percent
3. Winesap Twenty percent
4. King David Fifteen percent
5. Delicious Twenty percent
6. Staymen Winesap Ten percent
7. Vanderpool Ten percent
8. Black Twig Ten percent
9. Jonathan Ten percent
10. McIntosh Ten percent
11. Rome Ten percent
12. Red Sport varieties Twenty percent

Whenever red sport varieties are marked as such, they shall meet the color requirements of red sport varieties.

SEC. 3. The effective date of this act shall be August 1, 1959. Effective date.

Passed the Senate February 27, 1959.

Passed the House March 5, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 231.

[S. B. 347.]

MUNICIPALITIES—AIRPORTS AND FACILITIES.

AN ACT relating to powers of municipalities concerning airports and aeronautical facilities; amending section 7, chapter 182, Laws of 1945 and RCW 14.08.100; and amending section 8, chapter 182, Laws of 1945, as last amended by section 1, chapter 14, Laws of 1957, and RCW 14.08.120.

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

RCW 14.08.100 amended.

SECTION 1. Section 7, chapter 182, Laws of 1945 and RCW 14.08.100 are each amended to read as follows:

Raising of funds and disposition of revenue.

(1) The governing bodies having power to appropriate moneys within the municipalities in this state for the purpose of acquiring, establishing, constructing, enlarging, improving, maintaining, equipping or operating airports and other air navigation facilities under the provisions of this chapter, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out therein the provisions of this chapter.

(2) The revenues obtained from the ownership, control and operation of any such airport or 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, and to construct, maintain, lease, and otherwise finance buildings and facilities for industrial or commercial use: *Provided*, That such portion of the airport

property to be devoted to said industrial or commercial use be first found by the governing body to be not required for airport purposes.

SEC. 2. Section 8, chapter 182, Laws of 1945, as last amended by section 1, chapter 14, Laws of 1957, and RCW 14.08.120 are each amended to read as follows:

RCW 14.08.120
amended.

In addition to the general powers in this chapter 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:

Specific
powers of
municipalities
operating
airports.

(1) 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; and such municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of such municipality by an ordinance or resolution which shall include (a) the terms of office not to exceed six years which terms shall be staggered so that not more than three terms will expire in the same year, (b) the method of appointment and filling vacancies, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development. The expense

Specific powers of municipalities operating airports.

of such construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation and regulation shall be a responsibility of the municipality.

(2) 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 chapter 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.

Specific powers of municipalities operating airports.

(3) 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.

(4) 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 government, or any department of either thereof, for operation or use consistent with the purposes of this chapter, 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.

(5) Such municipality acting through its governing body may 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 aircraft landings, aircraft takeoffs or related 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

Specific powers of municipalities operating airports.

owned property. The municipal airport commission, if one has been organized and appointed under subdivision (1) of this section, may lease any airport property for aircraft landings, aircraft takeoffs or related aeronautic purposes: *Provided*, That if there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs or related aeronautic purposes, then the municipal airport commission may lease such space, land, area or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions as to the municipal airport commission may seem just and proper: *Provided*, That any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing or industrial purpose or operation relating to, identified with or in any way dependent upon the use, operation or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed seventy-five years: *And provided further*, That any such lease of real property made for a longer period than ten years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five year period thereafter, to be readjusted at the commencement of each such period, if written request for such readjustment is given by either party to the other at least thirty days before the commencement of the five year period in respect of which such readjustment is requested. If in such event the parties cannot agree upon the rentals for such five year period they shall submit to have the disputed rentals for such five year period

adjusted by arbitration. The lessee shall pick one arbitrator and the governing body of the municipality one, and the two so chosen shall select a third, and such board of arbitrators, after a review of all pertinent facts may increase or decrease such rentals, or continue the previous rate thereof.

Specific powers of municipalities operating airports.

The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. In the event all the proceeds of sale are not needed to pay the principal of 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 of tax funds shall be paid into the airport fund of the municipality.

(6) 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.

(7) To exercise all powers necessarily incidental to the exercise of the general and special powers herein granted.

Passed the Senate February 19, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 232.

[S. B. 135.]

BUSINESS AND OCCUPATION TAX—RETAIL STORE OR OUTLET.

AN ACT relating to the business and occupation tax; and adding a new section to Title II, chapter 180, Laws of 1935 and to chapter 82.04 RCW.

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

New section.

SECTION 1. There is added to Title II, chapter 180, Laws of 1935 and to chapter 82.04 RCW a new section to read as follows:

“Retail store or outlet.”

“Retail store or outlet” does not mean a device or apparatus through which sales are activated by coin deposits but the phrase shall include automats or business establishments retailing diversified goods primarily through the use of such devices or apparatus.

Passed the Senate February 13, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 233.

[S. B. 150.]

PUBLIC UTILITY DISTRICTS—EMPLOYEE BENEFITS.

AN ACT relating to Public Utility Districts; providing for employee insurance, annuity, and retirement plans; and amending section 8, chapter 245, Laws of 1941 and RCW 54.04.050.

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

RCW 54.04.050 amended.

SECTION 1. Section 8, chapter 245, Laws of 1941 and RCW 54.04.050 are each amended to read as follows:

(1) Any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: *Provided*, That no contract shall be entered into for the benefit of a group of less than ten employees: *And provided further*, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five percent of such employees may be so insured.

Group em-
ployee in-
surance.

(2) A public utility district whose employees or officials are not members of the state retirement system engaged in the operation of electric or water utilities may contract for individual annuity contracts, retirement income policies or group annuity contracts, including prior service, to provide a retirement plan, or any one or more of them, and pay all or any part of the premiums therefor out of the revenue derived from the operation of its properties.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 234.

[S. B. 257.]

ADMINISTRATIVE PROCEDURES.

AN ACT relating to procedure of state administrative agencies and review of their determinations.

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

Definitions.
"Agency."

SECTION 1. For the purpose of this act:

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

"Rule."

(2) "Rule" includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations which concern only the internal management of the agency and do not directly affect the rights of or procedures available to the public.

"Contested case."

(3) "Contested case" means a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.

Rule-making requirements enumerated.

SEC. 2. In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this act. Such rules may state the qualifications of persons for practice before the agency. Such rules shall also include rules of practice before the agency, together with forms and instructions.

(2) To assist interested persons dealing with it, each agency shall so far as deemed practicable supplement its rules with descriptive statements of its procedures.

(3) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall file notice thereof with the office of code reviser. So far as practicable, the adopting agency shall also publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views either orally or in writing. Such notice shall include (a) a statement of the time, place, and nature of public rule-making proceedings, (b) reference to the authority under which the rule is proposed, and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, subdivision (3) of this section shall not apply to interpretative rules, general statements of policy, or rules of internal agency organization, procedure or practice.

SEC. 3. If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under section 4 of this act. An emergency rule or amendment shall not remain in effect for longer than ninety days. This section does not relieve any agency from compliance with any law

Emergency
rules or
amendments.

requiring that its rules be approved by designated persons or bodies before they become effective.

Rules filed—
Effective date
—Register
kept—Re-
viser's report
to legislature.

SEC. 4. (1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington public service commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under section 3 of this act shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request.

SEC. 5. (1) The code reviser shall, as soon as practicable after the effective date of this act, compile and index all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary and at least once every two years.

(2) The code reviser shall publish a monthly bulletin in which he shall set forth the text of all rules filed during the preceding month excluding rules in effect upon the adoption of this act.

(3) The code reviser may, in his discretion, omit from the bulletin or the compilation, rules, the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if such bulletin or compilation contains a notice stating the general

subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) Bulletins and compilations shall be made available, in written form to officials of this state upon request and to county boards of law library trustees and to the Olympia representatives of the Associated Press and the United Press International without request, free of charge, and to other persons at a price fixed by the code reviser to cover publication and mailing costs.

(5) The board of law library trustees of each county shall keep and maintain a complete and current set of bulletins and compilations for use and inspection as provided in RCW 27.24.060.

(6) Judicial notice shall be taken of rules filed and published as provided in section 4 and this section.

SEC. 6. Any interested person may petition an agency requesting the promulgation, amendment, or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

Petitions
as to rules
authorized.

SEC. 7. (1) The validity of any rule may be determined upon petition for a declaratory judgment thereon addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair, the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

Determining
validity of
rule—Declaratory
judgment.

(2) In a proceeding under subsection (1) of this section the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or

was adopted without compliance with statutory rule-making procedures.

Determining
applicability
to subject—
Declaratory
ruling—
Appeal.

SEC. 8. On petition of any interested person, an agency may issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the superior court of Thurston county in the manner hereinafter provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

Contested
cases—Pro-
cedure—
Rights.

SEC. 9. (1) In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The agency shall prepare an official record of the hearing which shall include testimony recorded manually or by a mechanical device and exhibits, in each contested case, but it shall not be necessary to transcribe testimony unless requested for purposes of agency decision pursuant to section 11 of this act, rehearing, or court review. A copy of the record shall be furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

- (2) Agencies, or their authorized agents, may
 - (a) administer oaths and affirmations, examine witnesses, and receive evidence,
 - (b) issue subpoenas as provided by law,
 - (c) rule upon offers of proof and receive relevant evidence,
 - (d) take or cause depositions to be taken pursuant to rules promulgated by the agency,
 - (e) regulate the course of the hearing,
 - (f) hold conferences for the settlement or simplification of the issues by consent of the parties,
 - (g) dispose of procedural requests or similar matters,
 - (h) make decisions or proposals for decision pursuant to section 11 of this act,
 - (i) take any other action authorized by agency rule consistent with this act.

SEC. 10. In contested cases:

(1) Agencies, or their authorized agents, may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including but not limited to records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) Every party shall have the right of cross-

Rules of
evidence
(contested
cases).

examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(4) Agencies, or their authorized agents, may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. Agencies, or their authorized agents, may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

Proposal
for decision
authorized.

SEC. 11. Whenever in a contested case a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision, including findings of fact and conclusions of law has been served upon the parties, and an opportunity has been afforded each party adversely affected to file exceptions and present written argument to a majority of the officials who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. Oral arguments may be heard in the discretion of the agency.

Decision
or order.

SEC. 12. Every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order

and accompanying findings and conclusions shall be delivered or mailed to each party or to his attorney of record.

SEC. 13. (1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under this act. Where the agency's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.

Judicial
review (only
under act).
Procedure.

(2) Proceedings for review under this act shall be instituted by filing a petition in a superior court. In cases where review by the superior court for Thurston county was previously or hereafter is specifically provided by statute, the petition shall be filed in that court. In all other cases the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. All petitions shall be filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all other parties of record. The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by

stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by material and substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Appeal to
supreme
court.

SEC. 14. An aggrieved party may secure a review of any final judgment of the superior court under this act by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

State agencies
excepted
under act.

SEC. 15. This act shall not apply to the state militia, the liquor control board, or the board of prison terms and paroles. The provisions of section 9 through 13 of this act shall not apply to the board

of industrial insurance appeals, the state board of equalization or the insurance commissioner or the state tax commission. The provisions of sections 6, 7 and 8 of this act shall not apply to the department of public assistance.

SEC. 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. **Severability.**

SEC. 17. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect pending proceedings. **General repeal—Savings.**

SEC. 18. Sections 2, 3, 4, and 5 of this act shall take effect upon the elapse of one year from the date of its enactment. The other sections of this act shall take effect upon the elapse of six months from the date of its enactment. **Effective date.**

SEC. 19. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. **Conflicts with federal requirements, inoperative.**

Passed the Senate March 10, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 235.

[S. B. 372.]

WASHINGTON SOLDIERS' HOME—MEMBERSHIP.

AN ACT relating to membership in the colony of the Washington soldiers' home and amending section 72.36.040, chapter 28, Laws of 1959 and RCW 72.36.040.

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

RCW 72.36.040 amended.

SECTION 1. Section 72.36.040, chapter 28, Laws of 1959 and RCW 72.36.040 are each amended to read as follows:

Colony established—Who may be admitted.

There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, and their wives, who were married and living with their wives for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: *Provided*, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said wives.

(2) The widows of all soldiers who were mem-

bers of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and have not been married since the decease of their said husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Colony established—Who may be admitted.

Passed the Senate March 6, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 236.

[S. B. 394.]

PORT DISTRICTS—TOLL BRIDGES AND TUNNELS.

AN ACT relating to port districts; authorizing port districts to construct or otherwise acquire tunnels and bridges; to fix, charge and collect tolls, rates, rents and charges for the use of such facilities; to authorize the issuance of negotiable revenue bonds and other revenue obligations payable solely from such tolls, rates, rents and charges; to authorize port districts to contract with other municipal corporations, public agencies and departments of the government of the state and of the United States concerning the acquisition, construction, ownership, operation, maintenance, renewal, replacement and extension of facilities constructed pursuant to the authority of this act, and to authorize such other municipal corporations, public agencies and departments of the government of the state to enter into such contracts with port districts; to provide for actions and the limitation

thereof; to exempt facilities constructed or acquired pursuant to the authority of this act from taxation; to provide for violations; to provide for penalties and to provide a validity clause.

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

Toll bridges,
tunnels au-
thorized—
Highway ap-
proaches.

SECTION 1. In addition to all other powers granted to port districts, any such district may, with the consent of the state highway commission, acquire by condemnation, purchase, lease or gift, and may construct, reconstruct, maintain, operate, furnish, equip, improve, better, add to, extend and lease to others in whole or in part and sell in whole or in part any one or more of the following port projects, within or without or partially within and partially without the corporate limits of the district whenever the commission of the district determines that any one of more of such projects are necessary for or convenient to the movement of commercial freight and passenger traffic a part of which traffic moves to, from, or through the territory of the said district, to wit:

- (1) Toll bridges;
- (2) Tunnels under or upon the beds of any river, stream or other body of water, or through mountain ranges, and

In connection with the acquisition or construction of any one or more of such projects said port districts may, with the consent of the state highway commission, further acquire or construct, maintain, operate or improve limited or unlimited access highway approaches of such length as the commission of such district may deem advisable to provide means of interconnection of such facilities with public highways and of ingress and egress to any such project, including plazas and toll booths, and to construct and maintain under, along, over or across any such project telephone, telegraph or electric transmission

wires and cables, fuel lines, gas transmission lines or mains, water transmission lines or mains, and other mechanical equipment not inconsistent with the appropriate use of such project, all for the purpose of obtaining revenues for the payment of the cost thereof.

SEC. 2. The district shall have the power to enter into a contract or contracts for the use of said projects, their approaches and equipment and from time to time to amend such contracts, with persons and with private and public corporations, and by said contracts to give such persons or corporations the right to use said projects, their approaches and equipment for the transmission of power for telephone and telegraph lines, for the transportation of water, gas, petroleum, and other products, for railroad and railway purposes, and for any other purpose to which the same may be adapted: *Provided*, That no such contract shall be for a period longer than ninety-nine years, and that the projects shall be put to the largest possible number of uses consistent with the purposes for which such projects are constructed.

Contracts for
use of projects
—Regulations
—Contr-
versies.

In making such contract or contracts and providing for payments and rentals thereunder the port district shall determine the value of the separate and different uses to which the projects are to be put and shall apportion the annual rentals and charges as nearly as possible according to the respective values of such uses. No such contract shall be made with any person or corporation unless and until such person or corporation shall bind himself or itself to pay as rental therefor an amount determined by the port district and specified in the contract which shall be a fair and just proportion of the total amount required to pay interest on the bonds provided for in this act, plus a just proportion of the amount necessary for their retirement, and plus the cost of

maintenance of the projects, their approaches and equipment.

The port district may require any of such contracts to be entered into before beginning the construction of said projects or before the expenditure of funds under the provisions of this act if in its judgment it is deemed expedient.

There shall be no monopoly of the use of said projects, and their approaches by any one use, or by any person or corporation, private or public, in respect to the several uses, and the port district may continue to make separate, additional, and supplemental contracts for one or more uses until in the judgment of said port district the capacity of the projects and approaches for any such use has been reached. When such capacity has been reached contracts for the use of said projects shall be given preference in regard to such uses according to the public interest as determined by the port district, and subsequent contracts shall be subject to all existing and prior contracts. The port district shall have the power to prescribe regulations for the use of such facilities by the parties to contracts for such use, or any of them, and to hear and determine all controversies which may arise between such parties, under such rules as the port district may from time to time promulgate; and all contracts shall expressly reserve such power to the port district.

Revenue bonds
and notes—
Authorized
—Purposes
—Sale, ma-
turity, cost.

SEC. 3. Whenever any port district shall determine to acquire or construct any one or more projects authorized under the provisions of this act, the commission of such district shall have the power and is authorized to issue negotiable revenue bonds and notes from time to time in one or more series or instalments in such principal amount as, in the opinion of the commission, shall be necessary to provide sufficient money for the acquisition, construction, reconstruction, extension or improvement

thereof as set forth in section 1 of this act, including engineering, inspection, legal and financial fees and costs, working capital, interest on such bonds and notes during construction and for a reasonable period thereafter, establishment of reserves to secure such bonds and notes and all other expenditures of such district incidental, necessary or convenient to the establishment of such projects on a sound financial basis, and to issue negotiable revenue bonds and notes for the purpose of renewing or refunding such outstanding bonds and notes in whole or in part at or prior to maturity. All such revenue bonds or notes and coupons thereto attached shall be negotiable instruments within the meaning and purposes of the negotiable instruments law and shall be sold by the commission in such manner and for such price as the commission deems for the best interests of the district: *Provided*, That the aggregate cost to maturity of the moneys received for an issue, series, or instalment of such bonds or notes, exclusive of redemption premiums, shall not exceed six percent per annum, and the commission may provide in any contract for the construction or acquisition of all or any part of a project or projects or for the additions or betterments thereto or extensions or improvements thereof that payment therefor shall be made only in such revenue bonds or notes: *Provided further*, That any revenue bonds issued under the authority of this act shall have a final maturity not to exceed forty years from date of issue.

SEC. 4. Revenue bonds and notes may be issued by one or more resolutions and may be secured by trust agreement by and between the district and one or more corporate trustees, depositories, or fiscal agents, which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. Such bonds or notes shall bear such date or dates, mature

Bonds and notes—Resolution—Security—Form, interest, payment, etc.

at such time or times, bear interest at such rate or rates not exceeding six percent per annum, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the state of Washington, and be subject to such terms of redemption and at such redemption premiums as such resolution, resolutions, or trust agreements may provide. No proceedings for the issuance of such bonds or notes shall be required other than those required by the provisions of this act, and none of the provisions of any other laws relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporation, or political subdivisions of this state shall be applicable to bonds or notes issued by port districts pursuant to this act.

Covenants to
safeguard
and secure
bonds and
notes.

SEC. 5. Any resolution, resolutions, or trust agreements authorizing the issuance of any bonds or notes of a port district may contain covenants and agreements on the part of the district to protect and safeguard the security and payment of such bonds or notes, which shall be a part of the contract with the holders of such obligations thereby authorized as to:

(1) Pledging all or any part of the revenues, income, receipts, profits and other moneys derived by the district issuing such obligations from the ownership, operation, management, lease, or sale of any one or more of the projects constructed from the proceeds thereof to secure the payment of bonds or notes;

(2) The establishment and collection of rates, rentals, tolls, charges, license, and other fees to be charged by the district and the amounts to be raised in each year for the services and commodities sold, leased, furnished, or supplied by any one or more

of the projects established from the proceeds of such obligations, and the deposit, use, and disposition of the revenues of the district received therefrom;

Covenants to safeguard and secure bonds and notes.

(3) The setting aside of reserves or sinking funds for such obligations, and the deposit, investment, and disposition thereof;

(4) Limitations on the purpose or purposes to which the proceeds of sale of any issue of bonds or notes then or thereafter issued payable from the revenues of any such project or projects may be applied, and pledging such proceeds to secure the payment of such bonds or notes;

(5) Limitations on the issuance of additional revenue bonds or notes of the district, the terms and conditions upon which such additional revenue bonds or notes may be issued and secured, and the refunding of outstanding or other bonds or notes;

(6) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

(7) Limitations on the amount of moneys derived from any project or projects to be expended for operating, administrative or other expenses of the district in connection with any such project or projects;

(8) The employment of independent auditors and engineers or other technical consultants to advise and assist the district in the operation, management, and improvement of any project or projects;

(9) Limitations or prohibitions on rendering free service in connection with any project or projects;

(10) Specifying conditions constituting events of default and vesting in one or more trustees including trustees which may be appointed by the bondholders and noteholders, such special rights, property rights, powers, and duties with respect to the

property and revenues of any project or projects as the commission of the district may deem advisable the better to secure the payment of such bonds and notes;

(11) Prescribing conditions controlling the acquisition, sale, lease, or other disposition of real and personal property used or useful in connection with any project or projects, the amount and kinds of policies of insurance to be carried by the district in connection therewith, and the use and disposition of the proceeds of policies of insurance; and

(12) Any other matters of like or different character which in any way affect the security or protection of bonds or notes of the district.

Notes.

SEC. 6. A district shall have power from time to time to issue bond anticipation revenue notes (herein referred to as notes), and from time to time to issue renewal notes, such notes in any case to mature not later than six years from the date of incurring the indebtedness represented thereby in an amount not exceeding in the aggregate at any time outstanding the amount of revenue bonds then or theretofore authorized but not issued. Payment of such notes shall be made from any moneys or revenue which the district may have available for such purpose or the proceeds of the sale of revenue bonds of the district, or such notes may be exchanged for a like amount of such revenue bonds bearing the same or a lower or higher rate of interest than that borne by such notes.

All notes may be issued and sold in the same manner as revenue bonds. Any district shall have power to make contracts for the future sale from time to time of notes on terms and conditions stated in such contracts, and the district shall have power to pay such consideration as it shall deem proper for any commitments to purchase notes in the future. Such notes may also be collaterally secured by

pledges and deposits with a bank or trust company, in trust for the payment of said notes, of revenue bonds in an aggregate amount at least equal to the amount of such notes and, in any event, in amount deemed by the district sufficient to provide for the payment of the notes in full at the maturity thereof. The district may provide in such collateral agreement that the notes may be exchanged for revenue bonds held as collateral security for the notes, or that the trustee may sell the revenue bonds if the notes are not otherwise paid at maturity and apply the proceeds of such sale to the payment of the notes. Such notes shall bear interest at a rate or rates not exceeding six percent per annum and shall not be sold at a price that will cause the interest cost on the money received therefrom to exceed six percent per annum.

SEC. 7. Revenue bonds and notes issued under the provisions of this act shall be payable solely from the revenues, income, receipts, profits, charges, fees, rentals, and moneys received or derived by or through the ownership, operation, sale, lease, or other disposition in whole or in part of any project or projects authorized under the provisions of this act, or through the issuance of refunding bonds or notes, and the commission of any district issuing revenue bonds or notes under the authority of this act shall establish, maintain, and collect rates, tolls, rents, and charges from time to time so long as any of such revenue bonds are outstanding and unpaid for all services sold, furnished, or supplied by or through any such project or projects sufficient to produce an amount, together with any other moneys of the district available and dedicated to such purpose, to pay the principal of and interest and premium, if any, on all revenue bonds and notes payable from the revenues of any project or projects as the same may respectively fall due in accordance with

Sources bonds and notes payable from—
Rates and charges to be established.

the terms of the resolution or resolutions or trust agreement authorizing the issuance and securing the payment of such obligations.

Special funds
and accounts
—Disposition.

SEC. 8. The resolution, resolutions, or trust agreement providing for the issuance of revenue bonds or notes pursuant to the provisions of this act shall create and establish a special fund of the district into which the district shall be obligated to deposit as collected all income, revenues, receipts, and profits derived by the district through the ownership and operation of any project or projects acquired or constructed from the proceeds of the sale of such revenue bonds or notes: *Provided*, That additional separate special funds or accounts may be created by such resolution or trust agreement into which the district may obligate itself to deposit the proceeds of the sale of such revenue bonds and notes, the proceeds of the sale or other disposition in whole or in part of any project or projects, the proceeds of any policies of insurance on such projects, and any other additional moneys received by the district and applicable to such projects. All such moneys shall be held by the district, the depositories and trustees of such funds and accounts, in trust for the equal and ratable benefit and security of the holders from time to time of the revenue bonds and notes issued pursuant to the resolution, resolutions, or trust agreement establishing such special funds or accounts, and shall be collected, held, deposited, and disbursed solely for the acquisition, construction, operation, maintenance, renewal, replacement, improvement, extension, and betterment of such project or projects and the payment of the principal of and interest and premium, if any, on the revenue bonds and notes issued pursuant to such resolution, resolutions, or trust agreements, and the creation and maintenance of reasonable reserves for all such purposes: *Provided, however*, That the district may in its discre-

tion and subject to any agreements with the holders of such revenue bonds and notes expend amounts of such moneys as are not required for the purposes aforesaid for other corporate purposes of the district.

The district may pledge such moneys or revenues of the district subject to prior pledges thereof, if any, for the payment of such notes and may in addition secure the notes in the same manner as herein provided for revenue bonds.

SEC. 9. It is the intention hereof that any pledge of revenues, income, receipts, profits, charges, fees, or other moneys made by a district for the payment of bonds shall be valid and binding from the time of the adoption of any resolution or the execution of any trust agreement making such pledge notwithstanding the fact that there may not then be any simultaneous delivery thereof, that the revenues, income, receipts, profits, charges, fees, and other moneys so pledged shall as soon as received by the district immediately be subject to the lien of such pledge without the physical delivery thereof and without further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the district irrespective of whether such parties have notice thereof. Neither the resolution, resolutions, or trust agreement authorizing revenue bonds or notes nor any other instrument by which such a pledge is created need be recorded to be effective.

Pledge of moneys, when binding—When lien attaches.

SEC. 10. Neither the members of a commission nor any person executing revenue bonds or notes shall be liable personally on such bonds or notes, or be subject to any personal liability or accountability by reason of the issuance thereof.

No personal liability on bonds or notes.

District may
purchase
bonds or
notes.

SEC. 11. A district shall have power out of any funds available therefor to purchase revenue bonds or notes of such district. Any bonds or notes so purchased may be held, canceled, or resold by the district subject to and in accordance with any resolution or resolutions or trust agreements with bondholders.

Covenants
of state.

SEC. 12. The state of Washington does hereby covenant and agree with the holders of revenue bonds or notes issued by a district under the authority of this act that the state will not limit or alter the rights hereby vested in a district to acquire, maintain, construct, reconstruct, improve, extend, add to, better and operate the projects authorized to be constructed or acquired under the provisions hereof and to establish, collect, and pledge such rates, rentals, tolls, charges, license, and other fees as may be convenient or necessary to produce sufficient revenue to meet the expense of maintenance and operation of such projects and to fulfill the terms of any agreements made with holders of such revenue bonds and notes or in any way impair the rights and remedies of bondholders and noteholders until the bonds or notes together with interest thereon, with interest on any unpaid instalments of interest, and all cost and expenses in connection with any action or proceedings by or on behalf of the bondholders or noteholders, are fully met and discharged. The provisions of this act and of the resolutions, trust agreements and proceedings authorizing revenue bonds and notes hereunder shall constitute a contract with the holders of said bonds and notes.

Obligations,
projects'
alone.

SEC. 13. The revenue bonds, revenue notes, and any other obligations of a district issued under the authority of this act shall not be a debt of the state of Washington or of any political subdivision of this

state, nor shall such obligations be considered indebtedness of the port district issuing same within any constitutional, statutory, or other limitation of indebtedness, and neither the state nor any political subdivision thereof, including the port district issuing such revenue bonds or notes, shall ever become obligated to levy ad valorem taxes on any taxable property within the state for the payment of such revenue bonds and notes, but such revenue bonds and notes shall be payable solely from and shall be a charge only upon the revenues and other funds of the project or projects pledged to the payment thereof by the proceedings authorizing the issuance of such bonds and notes.

SEC. 14. Prior to the issuance and delivery of revenue bonds or notes under the authority of this act, such revenue bonds or notes and a certified copy of the resolution, resolutions, or trust agreements authorizing such revenue bonds or notes shall be forwarded by the port commission to the state auditor together with any additional information requested by him, and when such revenue bonds or notes have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each such revenue bond or note and signed by the auditor or a deputy appointed by him for that purpose.

Registration of
bonds and
notes—Prima
facie validity.

Revenue bonds or notes so registered shall then be prima facie valid and binding obligations of the port district in accordance with the terms thereof, notwithstanding any defect or irregularity in the proceedings for the authorization and issuance of such revenue bonds or notes or in the sale, execution or delivery thereof or in the application of the proceeds thereof.

SEC. 15. Revenue bonds and notes issued under the authority of this act are made securities in which

Bonds and notes as legal investment and security.

all public officers and bodies of this state, all municipalities and municipal subdivisions and all other political subdivisions of this state, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds and notes are also made securities which may be deposited with and shall be received by all public officers and bodies of this state, all municipalities, municipal subdivisions, and other political subdivisions of this state for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

Projects declared public purposes—
Tax exempt.

SEC. 16. It is found, determined, and declared that the creation and establishment of projects authorized by this act are in all respects for the benefit of the people of the state of Washington, for the improvement of their welfare and prosperity, and for the promotion of intrastate, interstate, and foreign commerce, the transportation of freight, commercial, and passenger traffic, is a public purpose, that such projects operated by port districts are essential parts of the public transportation system, and that such districts will be performing essential governmental functions in the exercise of the powers conferred upon them by this act; and the state of Washington covenants with the holders of revenue bonds and notes that port districts shall not be required to pay any taxes or assessments, or other governmental

charges in lieu thereof, upon any of the property acquired by them or under their respective jurisdictions, control, possession, or supervision, upon the activities of port districts in the operation and maintenance of such projects, or upon any charges, fees, rentals, revenues, or other income received by such districts from such projects and that the revenue bonds and notes of port districts and the income therefrom shall at all times be exempt from all taxation in the state of Washington, except transfer, inheritance, and estate taxes. This section shall constitute a covenant and agreement with the holders of all revenue bonds and notes issued by port districts pursuant to the provisions of this act.

SEC. 17. In the acquisition, construction, reconstruction, improvement, extension, or betterment of any project or projects authorized under the provisions of this act any port district creating and establishing any such project or projects may have and exercise all of the powers heretofore or hereafter granted to port districts for corporate purposes and, in addition thereto, may acquire by gift or grant, lease, purchase, or condemnation any public and private property, franchises and property rights, including state, county, and school lands and property, and littoral and water rights whether or not any such property is then devoted to public or quasi public proprietary or governmental use: *Provided*, That the court shall find that the proposed condemnation of any property already devoted to a public use is for a higher public use, and may by appropriate contracts with any city, county, or other political subdivision of the state, with the state and any department of the government of the state (hereinafter referred to collectively as public agencies), or with any department, instrumentality or agency of the United States, acquire title to or the use of existing roads, streets, parkways, avenues,

Acquisition of property, rights, authorized.

or highways or the closing of any roads, streets, parkways, avenues, or highways as may be necessary or convenient to the acquisition, construction, or operation of any such project or projects under such terms and conditions as may be mutually agreed upon. All public agencies are authorized to enter into contracts with port districts for the aforesaid purposes.

Contracts by public agencies with district authorized.

SEC. 18. Any public agency, including without limitation the aeronautics commission, the department of highways and the state toll bridge authority, may contract with any port district, constructing a project or projects under the authority of this act, for the contribution of moneys or real or personal property in aid of the construction of such projects, or for the furnishing of engineering, legal, police, and fire protection, and all other services necessary or convenient to the acquisition, construction, reconstruction, operation, maintenance, renewal, replacement, improvement, additions to, or extension of any such project or projects, such contracts to run for such period of years and to contain such terms and conditions as the parties thereto shall mutually agree upon. Any public agency, by resolution, may authorize the execution of such contracts with a port district and no other authorization on the part of such public agency shall be necessary, any provision of laws or of a city charter to the contrary notwithstanding. Obligations assumed by a public agency pursuant to such contracts entered into under the authority of this act shall be included and provided for in each annual budget of such public agency thereafter made until all such obligations have been fully discharged.

Rules, regulations—Violation of, punishable.

SEC. 19. Any port district establishing a project under the authority of this act may make such by-laws, rules, and regulations for the management and use of such project and for the collection of rentals,

tolls, fees, and other charges for services or commodities sold, furnished or supplied through such project, and the violation of any such bylaw, rule, or regulation shall be an offense punishable by fine not to exceed one hundred dollars or by imprisonment for not longer than thirty days, or both.

SEC. 20. In every action against a district for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death arising in connection with the acquisition, construction, reconstruction, operation, or maintenance of a project authorized by the provisions of this act, the complaint shall contain an allegation that at least thirty days have elapsed since a demand, claim, or claims upon which such action is founded were presented to the secretary of the district, or to its chief executive officer, and that the district has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment.

Civil actions
against
district,
necessary
allegations.

SEC. 21. No action against a district for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, alleged to have been sustained in connection with the acquisition, construction, reconstruction, operation, or maintenance of a project shall be commenced more than one year after the cause of action therefor shall have accrued nor unless a notice of intention to commence such action and of the time when and place where the damages or personal injuries or death were incurred or sustained, together with a verified statement showing in detail the property alleged to have been damaged or destroyed and the value thereof or the personal injuries alleged to have been sustained and by whom, shall have been filed with the secretary of the district in the principal

Statute of
limitations—
Notice of
commence-
ment.

office of the district within six months after such cause of action shall have accrued.

Act supple-
mental—
Liberally
construed.

SEC. 22. The powers and rights granted to port districts and public agencies by the provisions of this act are in addition and supplemental to and not in substitution of the powers and rights heretofore or hereafter granted to such districts and public agencies by any other law or city charter, and no limitations or restrictions or proceedings for the exercise of powers and rights by port districts and public agencies contained in any other laws or city charters shall apply to the exercise of powers and rights granted by the provisions of this act, and the provisions of this act shall be liberally construed to permit the accomplishment of the purposes hereof.

Severability.

SEC. 23. If any section, clause or provision of this act shall be declared unconstitutional or invalid in whole or in part, to the extent that this act is not unconstitutional or invalid this act shall be valid and effective, and no other section, clause, or provision hereof shall on account of such declaration be deemed invalid or ineffective.

Act controls.

SEC. 24. Insofar as the provisions of this act are inconsistent with the provisions of any other act or of any city charter, the provisions of this act shall be controlling.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 237.

[S. B. 23.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to fire protection; amending section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 254, Laws of 1947, and RCW 52.04.020; amending section 20, chapter 34, Laws of 1939, as last amended by section 6, chapter 254, Laws of 1947, and RCW 52.08.030; amending section 3, chapter 70, Laws of 1941, as last amended by section 5, chapter 254, Laws of 1947, and RCW 52.08.060; amending section 22, chapter 34, Laws of 1939, as last amended by section 1, chapter 238, Laws of 1957, and RCW 52.12.010; amending section 2, chapter 111, Laws of 1955 and RCW 52.22.020; and adding four new sections to chapter 111, Laws of 1955 and to chapter 52.22 RCW.

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 254, Laws of 1947, and RCW 52.04.020 are each amended to read as follows: RCW 52.04.020 amended.

Fire protection districts for the elimination of fire hazards and for the protection of life and property in territories outside of cities and towns are hereby authorized to be established as in this act provided. Districts authorized.

SEC. 2. Section 20, chapter 34, Laws of 1939, as last amended by section 6, chapter 254, Laws of 1947, and RCW 52.08.030 are each amended to read as follows: RCW 52.08.030 amended.

Any fire protection district organized under this act shall have authority: Specific powers—Joint operations.

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

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suit-

Specific
powers—
Joint oper-
ations.

able and convenient for housing, repairing and caring for fire fighting equipment;

(3) To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To contract with another county fire protection district, or with any town, city or municipal corporation or governmental agency or private person or persons to consolidate or cooperate for mutual fire fighting protection and prevention purposes. Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency;

(4) Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint

board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.

Specific
powers—Joint
operations.

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay

Specific
powers—Joint
operations.

vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: *Provided*, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation;

(5) To encourage uniformity and coordination of fire protection district operation programs, the fire commissioners of two or more fire protection districts, may form an association thereof, for the purpose of securing data and information of value in fighting and in preventing fires; hold and attend meetings thereof; and promote more economical and efficient operation of the associated fire protection districts. The directors of fire protection districts so associated shall adopt articles of association, select a chairman and secretary, and such other officers as they may determine, and may employ and discharge such agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from fire protection district expense funds upon vouchers of the respective associated districts: *Provided*, That the aggregate contributions made to the association by any district in any calendar year shall not exceed one-tenth of one mill of the tax valuation of the district;

(6) Two or more fire protection districts may

contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof;

Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;

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

SEC. 3. Section 3, chapter 70, Laws of 1941, as last amended by section 5, chapter 254, Laws of 1947, and RCW 52.08.060 are each amended to read as follows:

RCW 52.08.060
amended.

Any territory contiguous to a fire protection district and not within the boundaries of a city or town or other fire protection district may be annexed to such fire protection district, for the purpose of obtaining fire fighting protection or prevention facilities, by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the fire commissioners of the fire protection district and if the said fire commissioners shall concur in the said petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the

Annexation
of territory.

Annexation
of territory.

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 the board of county commissioners, 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*, That the board of county commissioners shall have authority and it shall be its duty to determine on an equitable basis, the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such obligation may be paid to the district in yearly installments to be fixed by the county board if within the four mill annual tax limit and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof fixed by the county board shall be set out in general terms in the notice of election for annexation: *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.

SEC. 4. Section 22, chapter 34, Laws of 1939, as last amended by section 1, chapter 238, Laws of 1957, and RCW 52.12.010 are each amended to read as follows:

RCW 52.12.010 amended.

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members shall receive no compensation for their services, but shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business: *Provided*, That in any district which has a fire department employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, may each receive not to exceed ten dollars per day or thirty dollars per month for attendance at board meetings and for performance of other services in behalf of the district to be fixed by resolution and entered in the minutes of the proceedings of the board.

Number—
Qualifications
—Compensation—
Terms of
commissioners
—Duties.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified.

SEC. 5. Section 2, chapter 111, Laws of 1955 and RCW 52.22.020 are each amended to read as follows:

RCW 52.22.020 amended.

The incorporation of any previously unincorporated land lying within a fire protection district shall operate to automatically withdraw such lands from the fire protection district.

Withdrawal
by incorporation.

New section.

SEC. 6. There is added to chapter 111, Laws of 1955 and to chapter 52.22 RCW a new section to read as follows:

Cities and towns withdrawn from districts.

Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof, within its boundaries.

New section.

SEC. 7. There is added to chapter 111, Laws of 1955 and chapter 52.22 RCW a new section to read as follows:

RCW 57.28.110 applies.

The provisions of RCW 57.28.110 shall apply to territory withdrawn from a fire protection district under the provision of chapter 52.22 RCW.

New section.

SEC. 8. There is added to chapter 111, Laws of 1955 and chapter 52.22 RCW a new section to read as follows:

City or town's fire protection.

A city or town encompassing territory withdrawn under the provisions of chapter 52.22 RCW shall determine the most effective and feasible fire protection for the withdrawn territory, or any part thereof, and the legislative authority of the city or town and the commissioners of the fire protection district may, without limitation on any other powers provided by law:

(1) Enter into contracts to the same extent as fire protection districts and cities and towns may enter into contracts under authority of RCW 52.08-.030(3), and

(2) Sell, purchase, rent, lease, or exchange property of every nature.

New section.

SEC. 9. There is added to chapter 111, Laws of 1955 and chapter 52.22 RCW a new section to read as follows:

Fire protection district commissioners residing in

territory withdrawn from a fire protection district shall be replaced in the manner provided for the filling of vacancies in RCW 52.12.050.

RCW 52.12.050
controls
filling
vacancies.

Passed the Senate February 26, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 238.

[S. B. 55.]

PRINTING AND DUPLICATING BY STATE AGENCIES.

AN ACT relating to the acquisition of printing and duplicating equipment by state officials or agencies; and creating a state printing and duplicating committee.

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

SECTION 1. The state printer, the director of budget, and the director of general administration shall constitute the state printing and duplicating committee.

Committee
authorized—
Members.

SEC. 2. The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing or duplicating equipment, other than typewriters, direct copy or mimeograph machines, by any official or agency of the state.

Committee
duties.

SEC. 3. Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing or duplicating equipment, other than typewriters, direct copy or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire.

Committee
authorization
required.

SEC. 4. The state printing and duplicating committee shall meet within one month after the ef-

Committee
meetings.

fective date of this act and make provision for carrying out the purposes of this act. The committee shall thereafter meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it.

Excluded agencies.

SEC. 5. Nothing in this act shall apply to officials or agencies of the legislative or judicial branch of the state government.

Passed the Senate February 24, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 239.

[S. B. 71.]

MOTOR VEHICLE OPERATORS' LICENSES—REVOCAION.

AN ACT relating to motor vehicles; providing for the regulations and licensing of operators thereof; and amending section 65, chapter 188, Laws of 1937, as amended by section 1, chapter 393, Laws of 1955 and RCW 46.20.250.

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

RCW 46.20.250 amended.

SECTION 1. Section 65, chapter 188, Laws of 1937, as amended by section 1, chapter 393, Laws of 1955 and RCW 46.20.250 are each amended to read as follows:

Mandatory revocation of license by court.

Every court in fixing the penalty shall forthwith revoke the vehicle operator's license of a person upon his conviction of any of the following crimes, when such conviction has become final:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Perjury or the making of a false affidavit to the director under any licensing law pertaining to motor vehicles or any other law of this state requiring the registration of motor vehicles or regulating their operation on public highways;

(3) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;

Mandatory
revocation of
license by
court.

(4) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding two years;

(5) A conviction of an operator of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident;

(6) Conviction or forfeiture of bail upon three charges of operating a vehicle while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug, all within the preceding five years;

(7) Theft of a motor vehicle by a juvenile.

The foregoing offenses shall be in addition to any other offenses for which revocation of a vehicle operator's license is by law provided.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 240.

[S. B. 146.]

STATE INSTITUTIONS—INMATES' PROPERTY.

AN ACT relating to the money and property of deceased inmates of state institutions; amending section 2, chapter 138, Laws of 1951 and RCW 11.08.111.

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

RCW 11.08.111 amended.

SECTION 1. Section 2, chapter 138, Laws of 1951 and RCW 11.08.111 are each amended to read as follows:

Property of deceased inmates—Disposition within two years.

Prior to the expiration of the above two-year period, the superintendent may transfer such money or property in his possession, upon request and satisfactory proof submitted to him, to the following designated persons:

(1) To the executor or administrator of the estate of such deceased inmate; or

(2) To the next of kin of the decedent, where such money and property does not exceed the value of five hundred dollars, and the person or persons requesting same shall have furnished an affidavit as to his or her being next of kin; or

(3) In the case of money, to the person who may have deposited such money with the superintendent for the use of the decedent, where the sum involved does not exceed five hundred dollars; or

(4) To the department of institutions, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at such institution: *Provided*, That transfer of such money or property may be made to the person first qualifying under this section and such transfer shall exonerate the superintendent from further responsibility relative to such money or property: *And provided further*, That upon satisfactory showing the funeral expenses of such decedent are unpaid,

the superintendent may pay up to three hundred dollars from said deceased inmate's funds on said obligation.

Passed the Senate February 19, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 241.

[S. B. 147.]

MOTOR VEHICLE OPERATORS' LICENSES—OCCUPATIONAL LICENSES.

AN ACT relating to motor vehicle operators' licenses; and amending section 2, chapter 268, Laws of 1957 and RCW 46.20.390.

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

SECTION 1. Section 2, chapter 268, Laws of 1957 and RCW 46.20.390 are each amended to read as follows:

RCW 46.20.390 amended.

Any person who has had or may have his operator's license suspended or revoked because he has been convicted of or has forfeited bail for any first offense relating to motor vehicles, other than negligent homicide or manslaughter, and, if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with any judge of a court of record, justice court, or municipal court having criminal jurisdiction in the county of such person's residence a verified petition, together with the receipt for the fee paid, setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of or has not forfeited bail for any such offense within one year immediately preceding the present conviction or bail forfeiture, which offense in the opinion of the judge is not of such a na-

Petition—
Procedure—
Issuance—
Restriction—
Revocation.

Occupational
operator's
license.
Petition—
Procedure—
Issuance—
Restriction—
Revocation.

ture as to preclude the granting of the petition, the judge may order the director of licenses to issue an occupational operator's license to such person. A certified copy of the petition together with the order for the license shall be mailed to the director. When the order is issued by such judge, a certified copy thereof shall be given to the petitioner which copy shall serve as a temporary occupational operator's license until the petitioner receives the license issued by the director.

An occupational operator's license shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is an essential part of the licensee's occupation or trade. Such license shall be issued for a period of not more than one year.

The order for issuance of an occupational operator's license shall contain definite restrictions as to hours of the day, type of occupation, areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate and that satisfactory proof of financial responsibility has been filed as provided in chapters 46.24 and 46.28 RCW.

If such licensee is convicted for operating a motor vehicle in violation of his restrictions, or of a traffic violation which in the opinion of the director is such as would warrant suspension or revocation of such license, or if the judge does not, upon the facts, see fit to permit such person to retain his license, the director shall, upon receipt of notice thereof, revoke such license. Such revocation shall be effective as of the date of such violation, conviction or withdrawal order, and it shall continue with the same force and effect as other revocations under this title.

Passed the Senate February 4, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 242.

[S. B. 164.]

LIMITED ACCESS FACILITIES THROUGH CITIES
AND TOWNS.

AN ACT relating to limited access facilities extending through cities and towns; amending sections 5, 6 and 7, chapter 235, Laws of 1957 and RCW 47.52.130, RCW 47.52.140 and RCW 47.52.150.

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

SECTION 1. Section 5, chapter 235, Laws of 1957 and RCW 47.52.130 are each amended to read as follows:

RCW 47.52.130 amended.

When the state highway commission is planning a limited access facility through an incorporated city or town, the commission, or its staff, shall give careful consideration to available data as to the city's comprehensive plan, land use pattern, present and potential traffic volumes of city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities and other pertinent surveys, and shall submit to the city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration.

Report—
Conferences—
Proposed plan,
hearing,
notice.

Conferences shall be held on the merits of this state report and plans, recommended locations and the economic effects of the plan and any proposed modification or alternate proposal of the cities or towns, in order to attempt to reach an agreement between the state highway commission and the city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the city for inspection and study at least thirty days before the public hearing thereon.

The highway commission shall hold a public hearing within the city or town to determine the desirability of the plan proposed by the commission, at which hearing any city official or person may appear and be heard even though such official or person is not an abutting property owner. Notice of such hearing shall be given by publication once each week for two weeks, the date of first publication to be not less than fifteen days nor more than twenty days prior to such hearing in one or more newspapers of general circulation within the city or town. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof.

RCW 47.52.140
amended.

Adoption of
plan—Trans-
mittal to
mayor—
Publication—
Objections,
request for
hearing.

SEC. 2. Section 6, chapter 235, Laws of 1957 and RCW 47.52.140 are each amended to read as follows:

After said hearing has been held as provided in section 1 of this amendatory act, the commission shall adopt a plan with such modifications, if any, as the commission deems proper and necessary. A copy of such plan shall be transmitted to the mayor of the city or town affected thereby, and the state highway commission shall cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such city or town beginning not less than ten days after the mailing of such plan. The city or town may, upon receipt of such plan, notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final. Unless such plan shall be disapproved in writing filed with the state highway commission within thirty days after the mailing thereof to such mayor and if the city or town affected does not request in writing a hearing before a board of review, hereinafter referred to as the board, and file such request with the state highway commission within thirty

days after mailing of such plan, such plan shall be final. Such request for hearing shall set forth the portions of the plan of the state highway commission to which the city or town objects, and shall include every issue to be considered by the board.

SEC. 3. Section 7, chapter 235, Laws of 1957 and RCW 47.52.150 are each amended to read as follows:

RCW 47.52.150
amended.

Upon request for a hearing before the board by any city or town, a board consisting of five members shall be appointed as follows: The mayor shall appoint two members of the board, of which one shall be a duly elected official of the city, county or legislative district, except that of the legislative body of the city or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the state highway commission shall appoint two members of the board who shall not be members of such commission; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. Such board shall be appointed within thirty days after the next meeting of the state highway commission immediately following the receipt of such a request by the commission. In the event the state highway commission or a city or town shall not appoint members of the board or members thus appointed fail to appoint a fifth member of the board, either the state highway commission or the city or town may apply to the superior court of the county in which the city or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Board of
review—
Composition
—Appoint-
ment.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 243.

[S. B. 189.]

RECREATIONAL LAKE IN LEWIS RIVER—STUDY—
APPROPRIATION.

AN ACT relating to state parks and recreation; providing for a study of the feasibility of creating a recreational lake in the east fork of the Lewis river.

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

Feasibility study authorized.

SECTION 1. In addition to all other powers and duties provided by law, the state parks and recreation commission shall make a study of the feasibility of constructing a dam to create a recreational lake in the east fork of the Lewis river within the vicinity of Paradise Point in the northeast quarter of section thirty-two, township five north; range one East W. M. in Clark county.

Appropriation.

SEC. 2. There is hereby appropriated to the state parks and recreation commission from the parks and parkways account in the general fund for the biennium ending June 30, 1961, the sum of one thousand five hundred dollars or so much thereof as may be necessary to be used to carry out the purposes of this act.

Passed the Senate March 3, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 244.

[S. B. 222.]

INDUSTRIAL INSURANCE FUNDS—INVESTMENTS.

AN ACT relating to industrial insurance; and amending section 1, chapter 90, Laws of 1935 and RCW 51.44.100.

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

SECTION 1. Section 1, chapter 90, Laws of 1935 and RCW 51.44.100 are each amended to read as follows:

RCW 51.44.100 amended.

Whenever, in the judgment of the state finance committee, there shall be in the accident fund, medical aid fund, or in the reserve fund, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest such excess funds in national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the permanent school fund.

Investments of accident, medical aid and reserve fund excess.

Passed the Senate March 7, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 245.

[S. B. 263.]

GAME AND GAME FISH LICENSES.

AN ACT relating to issuance of game and game fish licenses; and amending sections 77.32.010 and 77.32.230, chapter 36, Laws of 1955, and RCW 77.32.010 and 77.32.230.

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

RCW 77.32.010
amended.

SECTION 1. Section 77.32.010, chapter 36, Laws of 1955 and RCW 77.32.010 are each amended to read as follows:

General rules
as to issuance.

It shall be unlawful for any person to hunt, trap, or fish for game animals, fur-bearing animals, game birds or game fish during the season when it is lawful to hunt, trap, or fish for them or to practice taxidermy for profit, or to receive or purchase or resell raw furs for profit, without first having procured and having in force, and in his personal possession, and on his person while so hunting, trapping, fishing, or practicing taxidermy, or dealing in furs, a license so to do issued to him as provided in this chapter: *Provided*, That nothing in this section shall prevent a person under the age of sixteen years, from fishing at any time when it is otherwise lawful to fish: *Provided further*, That any person over the age of seventy years who has been a resident of Washington for ten years or more shall be issued, upon making an affidavit to such effect, a license to fish at any time when it is otherwise lawful to fish. The state game commission in its discretion may authorize license dealers to issue such licenses and make a charge therefor which shall not exceed twenty-five cents: *Provided, further*, That a license shall not be required of a person who hunts predatory animals or birds without claiming or intending to claim a bounty.

All licenses under this chapter shall be issued by or under the authority of the director, who may

deputize game protectors, any county auditor, or any reputable citizen, to issue such licenses and collect the fees therefor.

All persons so deputized by the director shall, on demand, on or before the thirty-first day of December of each year, pay to the director all fees collected and make and furnish all reports required by the director. The commission may make all necessary rules and regulations regarding the issuance of licenses, the collection and payment of fees collected, and the making and furnishing of reports in connection therewith.

SEC. 2. Section 77.32.230, chapter 36, Laws of 1955 and RCW 77.32.230 are each amended to read as follows:

RCW 77.32.230 amended.

Any bona fide resident of this state who is blind or who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor.

Free licenses—
Certain veterans—Blind persons.

A special license authorizing fishing only shall be given to the blind.

Passed the Senate March 10, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 246.

[S. B. 288.]

UNFAIR TRADE PRACTICES.

AN ACT relating to unfair trade practices; and adding two new sections to chapter 221, Laws of 1939 and to chapter 19.90 RCW.

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

New section.

SECTION 1. There is added to chapter 221, Laws of 1939 and to chapter 19.90 RCW a new section to read as follows:

Purpose.

(1) The purpose of this section is to further the policy of the state of Washington in preserving free business competition by preventing monopolies and combinations in restraint of trade in violation of the Constitution, and discouraging practices tending to induce such results. Machinery, fixtures and other equipment are frequently given, leased, or sold under unusually favorable conditions with the agreement or understanding that the recipient thereof shall, insofar as a particular class of goods or merchandise is concerned, deal only in that designated by the donor, lessor, or vendor. After this control is established, temporary price cutting is usually secured through the recipient by various practices frequently beyond the control of the state. Competition is thereby destroyed and prices are then raised far beyond that which would prevail in the absence of such practices. The economy of the state and the welfare of its people are as a result seriously injured.

Agreements declared illegal and unenforceable.

(2) The supplying of machinery, fixtures, or equipment to the business premises of a user thereof, at less than cost, conditioned upon the agreement of such user that certain goods, wares and merchandise or supplies used or displayed in such machinery, fixtures, or equipment in connection with

user's business shall be purchased exclusively from the person supplying the machinery, fixtures, or equipment for the purpose of injuring competitors or destroying competition, is against public policy and that portion of the agreement between the supplier and the user obligating the user to purchase certain goods, wares and merchandise or supplies exclusively from the supplier is illegal and unenforceable.

SEC. 2. The provisions of section 1 of this act shall not apply to any such agreement entered into prior to the effective date of this act for the supplying of such machinery, fixtures, or equipment.

Prior agreements excluded.

SEC. 3. There is added to chapter 221, Laws of 1939 and to chapter 19.90 RCW a new section to read as follows:

New section.

The provisions of this act shall not apply to the supplying of service stations or other buildings, machinery, fixtures, or equipment to dealers by distributors of motor vehicle fuel, as those terms are defined in RCW 82.36.010.

Excepted under act.

SEC. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 247.

[S. B. 320.]

ELECTIONS—SCHOOL DISTRICT PRIMARIES.

AN ACT relating to primary elections; providing primaries for school districts embracing certain cities of the first class; amending section 1, chapter 101, Laws of 1955 and RCW 29.21.180; amending section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951, and RCW 29.21.060; and adding five new sections to chapter 29.21 RCW.

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

RCW 29.21.180 amended.

SECTION 1. Section 1, chapter 101, Laws of 1955 and RCW 29.21.180 are each amended to read as follows:

When no primary in certain offices—Prerequisites—Procedure.

No primary shall be held relating to the offices of state superintendent of public instruction, county superintendent of schools, or officers of school districts embracing a city of over one hundred thousand population if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

RCW 29.21.060 amended.

SEC. 2. Section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951, and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities, and in school districts embracing a city of over 100,000 population shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the day of the primary with the clerk thereof.

All candidates for district offices, other than in irrigation districts or school districts embracing a city of over 100,000 population, shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That in the case of port districts and public utility districts, and in no others, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy.

Declarations of candidacy in first, second, third class cities and certain districts.

The city clerk in class A counties shall transmit to the county auditor at least thirty-five days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections: *Provided*, That no filing fee shall be charged in the event that the office sought is without compensation.

Note: See also section 7, chapter 175, Laws of 1959.

SEC. 3. There is added to chapter 29.21 RCW a new section to read as follows:

New section.

The office of school director for school districts embracing a city of over 100,000 population shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

Director, city over 100,000, nonpartisan.

SEC. 4. There is added to chapter 29.21 RCW a new section to read as follows:

New section.

Candidates for school director in school districts embracing a city of over 100,000 population shall file

Declaration of candidacy.

their declarations of candidacy as provided in RCW 29.21.060. Not less than ten days before the time of filing such declarations of candidacy, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions so designated for school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: *Provided*, That in first class school districts nominating and electing school directors by director districts, candidates shall file for such director districts.

New section.

SEC. 5. There is added to chapter 29.21 RCW a new section to read as follows:

Ballots, form.

The positions of school directors for school districts embracing a city of over 100,000 population and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors
.....to be nominated.

No. 1

Vote for One

.....
.....
.....

No. 2

Vote for One

.....

.....

.....

To Fill Unexpired Term

No.....

2 (or 4) year term

Vote for One

.....

.....

.....

SEC. 6. There is added to chapter 29.21 RCW a **New section.**
new section to read as follows:

Nominating primaries for school directors in **Nominating
primaries.**
school districts embracing a city of over 100,000
population shall be held four weeks prior to the date
fixed for election in RCW 29.13.030, and such school
districts shall bear their share of the primary elec-
tion costs as provided in RCW 29.13.045.

SEC. 7. There is added to chapter 29.21 RCW a **New section.**
new section as follows:

The name of the person who receives the greatest **Determining
names for
general elec-
tion ballot.**
number of votes and of the person who receives the
next greatest number of votes at the primary for a
school district position shall appear on the general
election ballot under the designation therefor: *Pro-
vided*, That if any candidate for a position receives
a majority vote, his name alone shall be placed on
the general election ballot for that position.

Passed the Senate March 10, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 248.

[S. B. 366.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to the Washington public service commission; amending section 1; chapter 151, Laws of 1933, section 4, chapter 95, Laws of 1953, section 2, chapter 205, Laws of 1957, and RCW 80.08.010 and 81.08.010; amending section 3, chapter 300, Laws of 1955 and RCW 22.20.010; amending section 6, chapter 205, Laws of 1957 and RCW 81.80.150; amending section 19, chapter 95, Laws of 1953 and RCW 81.80.310; amending section 21, chapter 95, Laws of 1953 and RCW 81.80.314; amending section 3, chapter 129, Laws of 1953 and RCW 81.80.316; amending section 7, chapter 205, Laws of 1957 and RCW 81.80.320; amending section 10, chapter 165, Laws of 1933 and RCW 80.04.300, 80.04.310, 80.04.320, 80.04.330, 81.04.300, 81.04.310, 81.04.320, and 81.04.330; and amending section 6, chapter 151, Laws of 1933, section 2, chapter 30, Laws of 1937, section 1, chapter 227, Laws of 1951, section 11, chapter 95, Laws of 1953 and RCW 80.08.060, 80.08.070, 81.08.060, and 81.08.070; and amending section 23, chapter 184, Laws of 1935, as last amended by section 18, chapter 166, Laws of 1937 and RCW 81.80.270.

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

SECTION 1. Section 1, chapter 151, Laws of 1933, section 4, chapter 95, Laws of 1953, and section 2, chapter 205, Laws of 1957 (heretofore divided and codified as RCW 80.08.010 and 81.08.010) are amended to read as set forth in sections 2 and 3 of this act.

RCW 80.08.010
enacted
without
amendment.

SEC. 2. (RCW 80.08.010) The term "public service company", as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title.

RCW 81.08.010
amended.

SEC. 3. (RCW 81.08.010) The term "public service company", as used in this chapter, shall mean every company now or hereafter engaged in business

in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title: *Provided*, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include any "motor carrier" as that term is defined in RCW 81.80.010 or any "storage warehouse", "storage warehouseman" or "warehouseman" as those terms are defined in RCW 22.20.010.

Definition—
"Public service company."

SEC. 4. Section 3, chapter 300, Laws of 1955 and RCW 22.20.010 are each amended to read as follows:

RCW 22.20.010 amended.

As used in this chapter:

Definitions.
"Person."

"Person" includes port commissions and districts;

"Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under the provisions of chapter 22.08 RCW, used exclusively for the storage of grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, seeds, and other similar agricultural products, exclusively cold storage warehouses, buildings or structures in which freight is handled in transit exclusively, public garages storing automobiles, railroad freight sheds, and docks and wharves;

"Storage warehouse."

"Dock" or "wharf" includes all structures at which any steamboat, vessel, or other watercraft lands for the purpose of receiving or discharging freight from or for the public, together with any building or structure used for storing such freight, while in transit exclusively for the public for hire;

"Dock,"
"wharf."

"While in transit" means all goods, wares, and merchandise received on any dock or wharf, destined to or consigned from waterborne commerce, it being

"While in transit."

the intention of the legislature to exempt all goods received on any dock or wharf for shipment from land via water or received on said dock or wharf by water to be transhipped by land, or water, irrespective of the time of its retention upon said dock or wharf;

"Storage warehouseman."

"Storage warehouseman" and "warehouseman" mean any person operating any storage warehouse;

"Commission."

"Commission" means the public service commission.

RCW 81.80.150 amended.

SEC. 5. Section 6, chapter 205, Laws of 1957 and RCW 81.80.150 are each amended to read as follows:

Tariffs to be compiled and sold by commission.

The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities; or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the commission: *Provided*, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes to be made permanent, however, only after notice and hearing. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for not to exceed ten dollars for each tariff. Corrections to such publications shall be furnished to all sub-

scribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee of not to exceed ten dollars per tariff to cover the cost of issuing corrections or supplements and mailing them to subscribers: *Provided*, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: *Provided further*, That the commission may by order authorize common carriers to publish and file tariffs with the commission and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct, compile, publish and distribute tariffs covering such commodities and services.

SEC. 6. Section 19, chapter 95, Laws of 1953 and RCW 81.80.310 are each amended to read as follows:

RCW 81.80.310
amended.

It shall be unlawful for any "common carrier", or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front of each power unit and rear of each trailer an identification plate to be furnished by the commission. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually under the rules and regulations of the commission, and shall be attached to each motor vehicle operated subject to this chapter not later than January 1st of each year: *Provided*,

Identification
plates.

That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31st of the succeeding calendar year for which the same are issued. In case an applicant received a permit after January 1st of any year such plates shall be obtained and attached to each motor vehicle subject to this chapter before operation of any such vehicle is commenced.

The commission shall collect from each such carrier a fee of three dollars for each identification plate so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

RCW 81.80.314 amended.

SEC. 7. Section 21, chapter 95, Laws of 1953 and RCW 81.80.314 are each amended to read as follows:

Unassigned, identification plates for interchanged trailers in interstate commerce.

Carriers engaged in interstate commerce using trailers or semitrailers pursuant to an interchange agreement, which vehicles do not have affixed upon them identification plates as prescribed in RCW 81.80.310, may use the highways of this state upon securing from the commission unassigned identification plates to be attached to such vehicles while operating over the highways of this state. The fee for such plates shall be the same as prescribed in RCW 81.80.310 and shall be deposited in the state treasury to the credit of the public service revolving fund.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

RCW 81.80.316 amended.

SEC. 8. Section 3, chapter 129, Laws of 1953 and RCW 81.80.316 are each amended to read as follows:

Carriers engaged in operating vehicles in a single line unitary operation, and not through interchange with connecting carriers, between points in this state and points outside the state in interstate commerce

may operate such vehicles in such transportation with attached identification plates which are not assigned to specific vehicles. The commission may issue such identification plates upon application therefor and the payment by the applicant for each plate of a total fee of three dollars plus two times the applicable gross weight fee prescribed by RCW 81.80.320. The commission may require such reports of carriers, adopt such rules and regulations, and impose such conditions as the public interest may require with respect to the operation of such vehicles. The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

Unassigned identification plates for interstate single line unitary operation.

SEC. 9. Section 7, chapter 205, Laws of 1957 and RCW 81.80.320 are each amended to read as follows:

RCW 81.80.320 amended.

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plate for each motor truck, trailer or semitrailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Gross weight fees.

Less than 4,000 pounds.....	\$7.00
4,000 pounds or more and less than 6,000 pounds....	8.00
6,000 pounds or more and less than 8,000 pounds....	9.00
8,000 pounds or more and less than 10,000 pounds....	10.00
10,000 pounds or more and less than 12,000 pounds....	11.00
12,000 pounds or more and less than 14,000 pounds....	12.00
14,000 pounds or more and less than 16,000 pounds....	13.00
16,000 pounds or more and less than 18,000 pounds....	14.00
18,000 pounds or more and less than 20,000 pounds....	15.00
20,000 pounds or more and less than 22,000 pounds....	16.00
22,000 pounds or more and less than 24,000 pounds....	17.00
24,000 pounds or more and less than 26,000 pounds....	18.00
26,000 pounds or more and less than 28,000 pounds....	19.00
28,000 pounds or more and less than 30,000 pounds....	20.00
30,000 pounds or more and less than 32,000 pounds....	21.00
32,000 pounds or more and less than 34,000 pounds....	22.00
34,000 pounds or more and less than 36,000 pounds....	23.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

SEC. 10. Section 10, chapter 165, Laws of 1933 (heretofore divided and codified as RCW 80.04.300, 80.04.310, 80.04.320, 80.04.330, 81.04.300, 81.04.310, 81.04.320 and 81.04.330) is divided and amended as set forth in sections 11 through 18 of this act.

RCW 80.04.300
amended.

SEC. 11. (RCW 80.04.300) The commission may regulate, restrict, and control the budgets of expenditures of public service companies. Each company shall prepare a budget showing the amount of money which, in its judgment, will be needed during the ensuing year for maintenance, operation, and

construction, classified by accounts as prescribed by the commission, and shall within ten days of the date it is approved by the company file it with the commission for its investigation and approval or rejection. When a budget has been filed the commission shall examine into and investigate it to determine whether the expenditures therein proposed are fair and reasonable and not contrary to public interest.

Budgets to be filed by companies.

Adjustments or additions to budget expenditures may be made from time to time during the year by filing a supplementary budget with the commission for its investigation and approval or rejection.

SEC. 12. (RCW 80.04.310) The commission may, both as to original and supplementary budgets, prior to the making or contracting for the expenditure of any item therein, and after notice to the company and a hearing thereon, reject any item of the budget. The commission may require any company to furnish further information, data, or detail as to any proposed item of expenditure.

RCW 80.04.310 enacted without amendment.

Failure of the commission to object to any item of expenditure within sixty days of the filing of any original budget or within thirty days of the filing of any supplementary budget shall constitute authority to the company to proceed with the making of or contracting for such expenditure, but such authority may be terminated any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

Examination, investigation, and determination of the budget by the commission shall not bar or estop it from later determining whether any of the expenditures made thereunder are fair, reasonable, and commensurate with the service, material, supplies, or equipment received.

SEC. 13. (RCW 80.04.320) The commission may prescribe the necessary rules and regulations to

RCW 80.04.320
enacted
without
amendment.

place RCW 80.04.300 to 80.04.330 in operation. It may, by general order, exempt in whole or in part from the operation thereof companies whose gross operating revenues are less than twenty-five thousand dollars a year. The commission may upon request of any company withhold from publication during such time as the commission may deem advisable any portion of any original or supplementary budget relating to proposed capital expenditures.

RCW 80.04.330
enacted
without
amendment.

SEC. 14. (RCW 80.04.330) Any public service company may make or contract for any rejected item of expenditure, but in such case the same shall not be allowed as an operating expense, or as to items of construction, as a part of the fair value of the company's property used and useful in serving the public: *Provided*, That such items of construction may at any time thereafter be so allowed in whole or in part upon proof that they are used and useful. Any company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot, or insurrection, or for the immediate preservation or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefor free from the operation of these sections.

Any finding and order entered by the commission shall be in effect until vacated and set aside in proper proceedings for review thereof.

RCW 81.04.300
amended.
Budgets to
be filed by
companies.

SEC. 15. (RCW 81.04.300) The commission may regulate, restrict, and control the budgets of expenditures of public service companies. Each company shall prepare a budget showing the amount of money which, in its judgment, will be needed during the ensuing year for maintenance, operation, and construction, classified by accounts as prescribed by the commission, and shall within ten days of the date it is approved by the company file it with the commis-

sion for its investigation and approval or rejection. When a budget has been filed with the commission it shall examine into and investigate it to determine whether the expenditures therein proposed are fair and reasonable and not contrary to public interest.

Adjustments or additions to budget expenditures may be made from time to time during the year by filing a supplementary budget with the commission for its investigation and approval or rejection.

SEC. 16. (RCW 81.04.310) The commission may, both as to original and supplementary budgets, prior to the making or contracting for the expenditure of any item therein, and after notice to the company and a hearing thereon, reject any item of the budget. The commission may require any company to furnish further information, data, or detail as to any proposed item of expenditure.

RCW 81.04.310
enacted
without
amendment.

Failure of the commission to object to any item of expenditure within sixty days of the filing of any original budget or within thirty days of the filing of any supplementary budget shall constitute authority to the company to proceed with the making of or contracting for such expenditure, but such authority may be terminated at any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

Examination, investigation, and determination of the budget by the commission shall not bar or estop it from later determining whether any of the expenditures made thereunder are fair, reasonable, and commensurate with the service, material, supplies, or equipment received.

SEC. 17. (RCW 81.04.320) The commission may prescribe the necessary rules and regulations to place RCW 81.04.300 to 81.04.330 in operation. It may by general order, exempt in whole or in part from the operation thereof companies whose gross operating revenues are less than twenty-five thousand dollars

RCW 81.04.320
enacted
without
amendment.

a year. The commission may upon request of any company withhold from publication during such time as the commission may deem advisable, any portion of any original or supplementary budget relating to proposed capital expenditures.

RCW 81.04.330
enacted
without
amendment.

SEC. 18. (RCW 81.04.330) Any public service company may make or contract for any rejected item of expenditure, but in such case the same shall not be allowed as an operating expense, or as to items of construction, as a part of the fair value of the company's property used and useful in serving the public: *Provided*, That such items of construction may at any time thereafter be so allowed in whole or in part upon proof that they are used and useful. Any company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot, or insurrection, or for the immediate preservation or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefor free from the operation of these sections.

Any finding and order entered by the commission shall be in effect until vacated and set aside in proper proceedings for review thereof.

SEC. 19. Section 6, chapter 151, Laws of 1933, section 2, chapter 30, Laws of 1937, section 1, chapter 227, Laws of 1951, and section 11, chapter 95, Laws of 1953 (heretofore divided and codified as RCW 80.08.060, 80.08.070, 81.08.060 and 81.08.070) are amended to read as set forth in sections 20 through 23 of this act.

RCW 80.08.060
amended.

SEC. 20. (RCW 80.08.060) A public service company may issue notes, except demand notes, for proper purposes and not in violation of any provision of this chapter, or any other law, payable at periods of not more than twelve months after the date of

issuance, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness, without the consent of the commission: *Provided*, That the consent of the commission shall be required for the issuance of any note or notes issued as part of a single borrowing transaction of one million dollars or more payable at periods of less than twelve months after date of issuance by any public service company which is subject to the Federal Power Act unless such note or notes aggregates together with all other then outstanding notes and drafts of a maturity of twelve months or less on which such public service company is primarily or secondarily liable not more than five percent of the par value of other securities of such company then outstanding, computed, in the case of securities having no par value, on the basis of the fair market value as of the date of issue.

Short term
notes ex-
cepted.

SEC. 21. (RCW 80.08.070) Each public service company making application to the commission for authority to issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand

RCW 80.08.070
enacted
without
amendment.

dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes, or other evidence of interest, ownership, or indebtedness on which a fee has theretofore been paid: *Provided further*, That if the property of the public utility subject to the provisions of this title, proposing to issue such securities shall be located in part in the state of Washington and in part in some other state or states, the fees payable to the public service commission of Washington under this section shall be computed only on such amount of such securities as shall bear the same proportion to the total amount so authorized, as the book value of such property located within the state of Washington shall bear to the total book value of the property of such public utility proposing to issue such securities; for the purpose of computing such fees the book value of the property shall be determined as of the close of business of the last quarter preceding the application: *And provided further*, That if the commission modifies the amount of the issues requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

RCW 81.08.060
enacted
without
amendment.

SEC. 22. (RCW 81.08.060) A public service company may issue notes, except demand notes, for proper purposes and not in violation of any pro-

vision of this chapter, or any other law, payable at periods of not more than twelve months after the date of issuance, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes, or other evidence of indebtedness, without the consent of the commission.

SEC. 23. (RCW 81.08.070) Each public service company making application to the commission for authority to issue stock and stock certificates or other evidence of interest or ownership and bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes or other evidence of interest, ownership or indebtedness on which a fee has theretofore been paid: *Provided*

RCW 81.08.070
enacted
without
amendment.

further, That if the commission modifies the amount of the issue requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

RCW 81.80.270
amended.

SEC. 24. Section 23, chapter 184, Laws of 1935, as last amended by section 18, chapter 166, Laws of 1937 and RCW 81.80.270 are each amended to read as follows:

Transfer of
permits.

No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission, and upon the payment of a fee of twenty-five dollars.

Notwithstanding the provisions of chapter 81.12 RCW, no person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission. Any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification plates issued to him.

Passed the Senate February 28, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 249.

[S. B. 369.]

TIDELANDS IN CLARK COUNTY.

AN ACT relating to the withdrawal and reservation of certain state lands and authorizing the exchange thereof.

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

SECTION 1. The commissioner of public lands and the board of natural resources are directed to withdraw from lease and sale and to reserve for the benefit and use of the state department of game the following described tidelands in Clark county:

Tidelands reserved.

The tidelands of the second class, owned by the state of Washington, included within the limits of the following described tract.

Commencing at the section corner common to Sections 17, 18, 19 and 20, Township 2 North; Range 1 East, W.M., said corner having an X coordinate of 1,431,664.81 and a Y coordinate of 130,914.60 referred to the Oregon Coordinate System, North Zone, and running thence on an azimuth of $182^{\circ} 25' 23''$, a distance of 273.18 feet to the most southerly meander corner to said Sections 17 and 18 and the true point of beginning of this description, said meander corner having an X coordinate of 1,431,676.36 and a Y coordinate of 731,187.54 referred to said Oregon Coordinate System, thence following the government meander line on an azimuth of $271^{\circ} 21' 46''$ a distance of 930.55 feet, thence on an azimuth of $158^{\circ} 52' 19''$ a distance of 641.47 feet, thence on an azimuth of $224^{\circ} 21' 50''$, a distance of 231.04 feet, thence on an azimuth of $278^{\circ} 53' 33''$, a distance of 726.42 feet, thence on an azimuth of $181^{\circ} 24' 07''$, a distance of 557.87 feet, thence on an azimuth of $236^{\circ} 54' 31''$, a distance of 494.95 feet, thence on an azimuth of $144^{\circ} 54' 54''$, a distance of 429.13 feet, thence on an azimuth of $86^{\circ} 54' 56''$,

Description.

Tidelands
reserved.
Description.

a distance of 540.26 feet, thence on an azimuth of $100^{\circ} 29' 10''$ a distance of 194.07 feet, thence on an azimuth of $73^{\circ} 44' 11''$, a distance of 230.99 feet, thence on an azimuth of $122^{\circ} 33' 08''$, a distance of 494.67 feet, thence on an azimuth of $177^{\circ} 51' 17''$ a distance of 395.91 feet, thence on an azimuth of $237^{\circ} 22' 16''$ a distance of 263.93 feet, thence on an azimuth of $159^{\circ} 34' 47''$ a distance of 330.15 feet, thence on an azimuth of $239^{\circ} 04' 02''$, a distance of 506.41 feet, thence on an azimuth of $183^{\circ} 48' 52''$, a distance of 974.25 feet, thence on an azimuth of $70^{\circ} 47' 18''$ a distance of 363.40 feet, thence on an azimuth of $43^{\circ} 34' 33''$, a distance of 329.56 feet, thence on an azimuth of $109^{\circ} 29' 39''$, a distance of 316.53 feet, thence on an azimuth of $150^{\circ} 28' 15''$, a distance of 144.42 feet, thence on an azimuth of $153^{\circ} 40' 23''$, a distance of 509.32 feet, thence on an azimuth of $85^{\circ} 24' 28''$, a distance of 313.37 feet, thence on an azimuth of $181^{\circ} 27' 06''$, a distance of 268.80 feet, thence on an azimuth of $256^{\circ} 55' 51''$, a distance of 471.02 feet, thence on an azimuth of $320^{\circ} 00' 27''$ a distance of 139.00 feet, thence on an azimuth of $291^{\circ} 40' 38''$, a distance of 161.76 feet, thence on an azimuth of $268^{\circ} 22' 08''$, a distance of 138.06 feet, thence on an azimuth of $181^{\circ} 22' 20''$, a distance of 225.50 feet, thence on an azimuth of $130^{\circ} 25' 37''$, a distance of 363.05 feet, thence on an azimuth of $119^{\circ} 57' 57''$, a distance of 203.17 feet, thence on an azimuth of $221^{\circ} 52' 31''$, a distance of 197.75 feet, thence on an azimuth of $140^{\circ} 55' 28''$, a distance of 426.64 feet, thence on an azimuth of $99^{\circ} 54' 59''$, a distance of 594.03 feet, thence on an azimuth of $133^{\circ} 09' 55''$, a distance of 574.78 feet to an angle point in the government meander line on the southwesterly side of Francios La Frambois D.L.C. No. 114 in Section 7, Township 2 North, Range 1 East, W.M. thence on an azimuth of $88^{\circ} 38' 31''$, a distance of 63.00 feet to the present thalweg

of Vancouver Lake and the easterly boundary of the tidelands conveyed to Alma D. Katz through deed issued by the State of Washington October 6, 1922 under Application No. 7137, thence along said easterly line and said thalweg on an azimuth $348^{\circ} 53' 53''$, a distance of 107.08 feet, thence on an azimuth of $325^{\circ} 51' 24''$, a distance of 525.60 feet, thence on an azimuth of $336^{\circ} 20' 31''$, a distance of 573.17 feet, thence on an azimuth of $353^{\circ} 45' 29''$, a distance of 643.82 feet, thence on an azimuth of $320^{\circ} 34' 20''$, a distance of 291.29 feet, thence on an azimuth of $342^{\circ} 46' 13''$, a distance of 316.44 feet, more or less, to the southeast corner of the tidelands of the second class conveyed to said Alma D. Katz, thence along the southeasterly boundary of the tidelands of the second class conveyed to said Alma D. Katz on an azimuth of $63^{\circ} 51' 56''$, a distance of 330.00 feet, more or less, to the government meander line and the southeast corner of Government Lot 2, Section 18, Township 2 North, Range 1 East, W.M., thence on an azimuth of $333^{\circ} 51' 56''$, along said meander line, a distance of 387.48 feet, more or less, to an angle point in said meander line in front of Government Lot 3, Section 18, Township 2 North, Range 1 East, W.M., thence continuing along said meander line on an azimuth of $69^{\circ} 23' 30''$, a distance of 118.90 feet, thence on an azimuth of $103^{\circ} 22' 24''$, a distance of 618.30 feet, thence on an azimuth of $68^{\circ} 52' 02''$, a distance of 406.54 feet, thence on an azimuth of $343^{\circ} 39' 27''$, a distance of 553.99 feet, thence on an azimuth of $310^{\circ} 54' 17''$, a distance of 403.48 feet, thence on an azimuth of $21^{\circ} 54' 08''$, a distance of 231.03 feet, thence on an azimuth of $339^{\circ} 24' 07''$, a distance of 1163.52 feet, thence on an azimuth of $330^{\circ} 39' 06''$, a distance of 1275.69 feet, and thence on an azimuth of $300^{\circ} 24' 05''$, a distance of 198.26 feet to the true point of begin-

Tidelands reserved.
Description.

ning of this description and containing an area of 198.835 acres.

Subject, however, to easements for rights of way for county roads granted to Clark County March 27, 1951 under Applications No. 1953 and 1954.

Subject, however, to easements for rights of way for power transmission lines to be granted to Bonneville Power Administration under pending Application No. 16523.

SEC. 2. The tidelands described in section 1 of this act may be exchanged in accordance with the provisions of RCW 77.12.220.

Passed the Senate February 26, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

Tideland exchange authorized.

CHAPTER 250.

[S. B. 421.]

ELECTIONS—DECLARATIONS OF CANDIDACY.

AN ACT relating to declarations of candidacy, and amending section 4, chapter 209, Laws of 1907, as last amended by section 1, chapter 234, Laws of 1947, and RCW 29.18.030.

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

SECTION 1. Section 4, chapter 209, Laws of 1907, as last amended by section 1, chapter 234, Laws of 1947, and RCW 29.18.030 are each amended to read as follows:

The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the first Monday of July nor later than the second Friday following the first Monday of July, a declaration of candidacy is filed in the form hereinafter set forth, nor at any other primary election unless at least forty-five and not more than

RCW 29.18.030 amended.

Declaration of candidacy —Necessity —Form.

sixty days prior to such primary, a declaration of candidacy has been filed by him as provided in this chapter in the following form: Declaration
of candidacy
—Necessity
—Form.

DECLARATION AND AFFIDAVIT OF
CANDIDACY

STATE OF WASHINGTON }
County of } ss.

DECLARATION

I,, declare upon honor that I am a registered voter residing at No..... street, (city or town of) (county of), state of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office ofor position No..... for the office of..... (fill in whichever blank is applicable) to be made at the primary election to be held on the.....day of....., and hereby request that my name be printed upon the official primary ballots, as provided by law, as a candidate of the (do not fill this in if office sought is nonpartisan).....party, and I accompany herewith the sum of..... dollars, the fee required by law of me for becoming a candidate.

AFFIDAVIT

FURTHER, I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence, and that I do not knowingly belong to any organization, foreign or otherwise, which engages

Declaration
of candidacy
—Necessity
—Form.

in or advocates, the overthrow, destruction or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence.

.....
(Please print name to assure correct spelling)

.....
(Signature of candidate as name is to appear upon ballot)

Subscribed and sworn to before me this..... day of....., 19.....

.....
(Signature of official)

.....
(Official title)

Provided, That any candidate may in writing withdraw his declaration at any time to and including the first Friday after the last day allowed for filing declarations of candidacy: *Provided further*, That should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is mailed no later than the last day allowed for withdrawals and is received by the election officer concerned no later than the first succeeding Monday. There shall be no refund of the filing fee.

Passed the Senate March 10, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 251.

[S. B. 428.]

DEPARTMENT OF INSTITUTIONS—INSTITUTIONAL
PLACEMENT.

AN ACT relating to the department of institutions; providing authority for the transfer in institutional placement of incorrigible juvenile delinquents committed by the juvenile courts; amending section 72.12.050, chapter 28, Laws of 1959 and RCW 72.12.050; and amending section 4, chapter 297, Laws of 1957 and RCW 13.08.190.

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

SECTION 1. Section 72.12.050, chapter 28, Laws of 1959 and RCW 72.12.050 are each amended to read as follows:

RCW 72.12.050
amended.

The director, through the superintendent of the reformatory shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in any court having jurisdiction thereof; and all male prisoners who may be removed from any other penal institution of the state as provided by law, and such persons over the age of sixteen years who may be placed at the reformatory at the direction of the supervisor of the division of children and youth services with the approval of the department of institutions, in accordance with RCW 13.08.190, as amended. All such persons shall be subject to the rules and regulations of the reformatory and the laws relating to the administration of such institution to the same extent as the other inmates of such institution.

Prisoners to
be received at
reformatory.

SEC. 2. Section 4, chapter 297, Laws of 1957 and RCW 13.08.190 are each amended to read as follows:

RCW 13.08.190
amended.

Any boy or girl between the ages of eight and eighteen years of age who has been found delinquent as provided by law, may be committed by the superior court to the department of institutions, di-

Commitment
to division
—Notice of
institutional
placement.

vision of children and youth services, for institutional placement in such reception-diagnostic center, camp or other facility under the supervision and control of the division as shall be designated by the supervisor of the division of children and youth services, including parental schools the transfer of which to the department of institutions has been authorized by the provisions of RCW 72.05.300 and 72.05.310: *Provided*, That the supervisor, subject to the approval of the director of the department of institutions, may designate the Washington state reformatory for the transfer in institutional placement of incorrigible juvenile delinquents over the age of sixteen years, the custody of such children to remain in the supervisor, and such children in no event to remain at the Washington state reformatory beyond the age of eighteen. At such time as institutional placement for any boy or girl has been designated by the supervisor, or any transfer in institutional placement shall be made, notice thereof shall be given to the committing court and to the parents or guardian of such child, or any agency legally responsible for such child.

Passed the Senate February 27, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 252.

[S. B. 431.]

HOSPITAL AND MEDICAL FACILITIES SURVEY AND
CONSTRUCTION.

AN ACT relating to hospital and medical facilities survey and construction; amending sections 1 through 7, 9, 10, 12 and 15, chapter 197, Laws of 1949 and RCW 70.40.010 through 70.40.070, 70.40.090, 70.40.110, 70.40.120 and 70.40.150; and declaring an emergency.

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

SECTION 1. Section 1, chapter 197, Laws of 1949 and RCW 70.40.010 are each amended to read as follows:

RCW 70.40.010
amended.

This chapter may be cited as the "Washington Hospital and Medical Facilities Survey and Construction Act."

Short title.

SEC. 2. Section 2, chapter 197, Laws of 1949 and RCW 70.40.020 are each amended to read as follows:

RCW 70.40.020
amended.

As used in this chapter:

Definitions.

(1) "Director" means the director of the state department of health;

"Director."

(2) "The federal act" means Title VI of the public health service act, as amended, or as hereafter amended by congress;

"The federal act."

(3) "The surgeon general" means the surgeon general of the public health service of the United States;

"The surgeon general."

(4) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;

"Hospital."

(5) "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

"Public health center."

“Nonprofit hospital.”
“Nonprofit medical facility.”

(6) “Nonprofit hospital” and “nonprofit medical facility” means any hospital or medical facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

“Medical facilities.”

(7) “Medical facilities” means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act.

RCW 70.40.030 amended.

SEC. 3. Section 3, chapter 197, Laws of 1949 and RCW 70.40.030 are each amended to read as follows:

Section of hospital survey and construction established—Duties.

There is hereby established in the state department of health a “section of hospital and medical facility survey and construction” which shall be administered by a full time salaried head under the supervision and direction of the director. The state department of health, through such section, shall constitute the sole agency of the state for the purpose of:

(1) Making an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program of hospital and medical facility construction; and

(2) Developing and administering a state plan for the construction of public and other nonprofit hospitals and medical facilities as provided in this chapter.

RCW 70.40.040 amended.

SEC. 4. Section 4, chapter 197, Laws of 1949 and RCW 70.40.040 are each amended to read as follows:

General duties of director.

In carrying out the purposes of the chapter the director is authorized and directed:

(1) To require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary;

(2) To provide such methods of administration,

appoint a head and other personnel of the section and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(3) To procure in his discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee for service basis and do not involve the performance of administrative duties;

(4) To the extent that he considers desirable to effectuate the purposes of this chapter, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions public or private;

(5) To accept on behalf of the state and to deposit with the state treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this chapter, and to expend the same for such purpose; and

(6) To make an annual report to the governor on activities and expenditures pursuant to this chapter, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital and medical facilities to the people of this state.

SEC. 5. Section 5, chapter 197, Laws of 1949 and RCW 70.40.050 are each amended to read as follows:

RCW 70.40.050
amended.

The director shall appoint an advisory hospital and medical facility council to advise and consult with the department of health in carrying out the administration of this chapter. The council shall consist of the director who shall serve as chairman ex officio and shall include representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals and medical facilities,

Advisory hos-
pital council—
Appointment
—Term—Com-
pensation—
Meetings.

including representatives of the consumers of hospital and medical facility services selected from among persons familiar with the need for such services in urban or rural areas. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Council members, while serving on business of the council shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the director deems necessary but not less than once each year. Upon request by five or more members, it shall be the duty of the director to call a meeting of the council.

RCW 70.40.060
amended.

SEC. 6. Section 6, chapter 197, Laws of 1949 and RCW 70.40.060 are each amended to read as follows:

Program for
construction
of hospital
facilities
needed.

The director is authorized and directed to make an inventory of existing hospitals and medical facilities, including public nonprofit and proprietary hospitals and medical facilities, to survey the need for construction of hospitals and medical facilities, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all the people of the state.

RCW 70.40.070
amended.

SEC. 7. Section 7, chapter 197, Laws of 1949 and RCW 70.40.070 are each amended to read as follows:

The construction program shall provide, in accordance with regulations prescribed under the

federal act, for adequate hospital and medical facilities for the people residing in this state and insofar as possible shall provide for their distribution throughout the state in such manner as to make all types of hospital and medical facility service reasonably accessible to all persons in the state.

Distribution
of hospital
facilities.

SEC. 8. Section 9, chapter 197, Laws of 1949 and RCW 70.40.090 are each amended to read as follows:

RCW 70.40.090
amended.

The director shall prepare and submit to the surgeon general a state plan which shall include the hospital and medical facility construction program developed under this chapter and which shall provide for the establishment, administration, and operation of hospital and medical facility construction activities in accordance with the requirements of the federal act and the regulations thereunder. The director shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the director shall publish a general description of the provisions thereof in at least one newspaper having general circulation in the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The director shall from time to time review the hospital and medical facility construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

State hospital
construction
program—
Approval—
Dissemination
—Modifica-
tions.

RCW 70.40.110 amended.

SEC. 9. Section 10, chapter 197, Laws of 1949 and RCW 70.40.110 are each amended to read as follows:

Standards to be prescribed.

The director shall by regulation prescribe minimum standards for the maintenance and operation of hospitals and medical facilities which receive federal aid for construction under the state plan.

RCW 70.40.120 amended.

SEC. 10. Section 12, chapter 197, Laws of 1949 and RCW 70.40.120 are each amended to read as follows:

Applications for construction projects.

Applications for hospital and medical facility construction projects for which federal funds are requested shall be submitted to the director and may be submitted by the state or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital or medical facility: *Provided*, That except as may be permitted by federal law no application for a diagnostic or treatment center shall be approved unless the applicant is (1) a state, political subdivision, or public agency, or (2) a corporation or association which owns and operates a nonprofit hospital. Each application for a construction project shall conform to federal and state requirements.

RCW 70.40.150 amended.

SEC. 11. Section 15, chapter 197, Laws of 1949 and RCW 70.40.150 are each amended to read as follows:

Trust fund established—Deposits—Withdrawals.

The director is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants or to approve applicants for federal funds and authorize the payment of such funds directly to such applicants as may be allowed by federal law. To achieve that end there is hereby established, separate and apart from all public moneys and funds of this state, a trust fund to be known as the "hospital and medical facility construction fund", of which the state treasurer shall ex officio be custodian.

Moneys received from the federal government for construction projects approved by the surgeon general shall be deposited to the credit of this fund, shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers covering all payments from the hospital and medical facility construction fund shall bear the signature of the director or his duly authorized agent for such purpose, and warrants therefor shall be drawn by the state auditor as ex officio auditor of the fund.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health, safety and welfare and shall take effect immediately. Emergency.

Passed the Senate February 27, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 253.

[S. B. 475.]

STATE EMPLOYEES' RETIREMENT—TRANSFER FROM TEACHERS' SYSTEM.

AN ACT relating to the authorization of certain employees to transfer from the state teachers' retirement system to the state employees' retirement system.

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

SECTION 1. Any employee of a state school or state institution who is a member of the Washington state teachers' retirement system and who is not employed in a teaching capacity may transfer such membership to the state employees' retirement system by written request filed with the secretary-manager and the executive secretary, respectively, of the two systems. Upon receipt of such request, the transfer of membership to the state employees'

Transfer to other retirement system authorized.

retirement system shall be made, together with a transfer of all accumulated contributions credited to such member, and the secretary-manager of the teachers' retirement system shall transmit to the executive secretary of the state employees' retirement system a record of service credited to such member which shall be computed and credited to such member in the state employees' retirement system in the same manner as prior service together with a transfer from the teachers' pension reserve fund of a sum sufficient to pay into the employees' retirement system the employers' contribution from the period beginning April 1, 1949, to the date of the transfer, or so much thereof that may be necessary to establish the employee to all rights, benefits, and privileges that he would have been entitled to had he been a member of the state employees' retirement system from the beginning of his employment or his eligibility: *Provided*, That the right of any employee to file a written request for transfer of membership as set forth herein shall expire June 30, 1960.

Severability.

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 7, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 254.

[S. B. 468.]

REPRODUCED RECORDS FOR RECORDING.

AN ACT relating to recording of instruments by photographic, photomechanical, microfilm, microcard, miniature photographic or other process; and amending section 1, chapter 125, Laws of 1919 and RCW 65.04.040.

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

SECTION 1. Section 1, chapter 125, Laws of 1919 and RCW 65.04.040 are each amended to read as follows:

RCW 65.04.040 amended.

Any state, county, or municipal officer charged with the duty of recording instruments in public records, may, in lieu of transcription, record them by a photographic or photomechanical process, which produces a clear, legible, and durable record and which has been tested and approved for the intended purpose by the state archivist.

Photographic recordation of documents, plats, etc.

In addition, the county auditor, in the exercise of his duty of recording instruments in public records, may, in lieu of transcription, record all instruments, which he is charged by law to record, except plats, by any photographic, photostatic, microfilm, microcard, miniature photographic or other process which actually reproduces or forms a durable medium for so reproducing the original, and which has been tested and approved for the intended purpose by the state archivist. If the county auditor, in lieu of transcription, records any instrument by a process herein enumerated which produces a miniature copy of the original it shall not be necessary thereafter to make any notations or marginal notes, which are otherwise required by law, thereon: *Provided*, That in lieu of making said notations thereon, the auditor shall immediately make a note of such in both the

direct and inverted indexes and other appropriate indexes, in the column headed "remarks", opposite the appropriate entry.

Passed the Senate March 5, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 255.

[S. B. 493.]

ACQUISITION OF PROPERTY FOR STATE PURPOSES—
BONDS.

AN ACT relating to state government; providing for the construction and equipment of buildings by the department of general administration and for the financing thereof by the issuance and sale of revenue bonds payable from a special fund into which shall be paid rentals received from leasing such buildings or space therein; making an appropriation; and declaring an emergency.

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

Acquisition of state agency housing authorized.

SECTION 1. The director of the department of general administration is authorized to acquire such sites and construct such buildings, and acquire such furnishings and equipment therefor, as may be necessary for the housing of departments, institutions, commissions, elected officials, and other state agencies of the state of Washington.

Approval by state agencies.

SEC. 2. The acquisition of sites, the final plans and the construction shall be subject to the approval of the state capitol committee when a proposed building is to be located in Thurston county. When the proposed building is for the purpose of housing a branch agency of state government outside Thurston county, the acquisition of a site, the final plans, and the construction shall be subject to the approval of

the agency or agencies for whom the building is being constructed.

SEC. 3. The acquisition of any real property or any rights or interests therein for the purpose of this act is hereby declared to be for a public use. In furtherance of the purposes of this act, the right of eminent domain may be exercised as provided for in chapter 8.04 RCW.

Acquisition,
public use—
Eminent
domain.

SEC. 4. To provide funds for the acquisition of sites, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this act during the estimated period of such construction and for six months after completion of such construction, if required, there shall be issued and sold revenue bonds of the state of Washington in the sum of five million dollars or such amount thereof as determined to be necessary by the director of the department of general administration.

Bonds.
Authorized—
Committee to
issue, deter-
mine form.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this act.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reserved rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations

as the committee may prescribe. All such bonds shall be fully negotiable.

Bonds. Sig-
natures and
seal.

SEC. 5. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. A lithographed facsimile reproduction of the seal of the state may be imprinted on the bonds in lieu of manually affixing an impression of the original seal.

—Sale—
Bonds as legal
investment,
security, for
public funds.

SEC. 6. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That, if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it shall deem sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

—Regis-
tration.

SEC. 7. Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe.

—Not state
obligation.

SEC. 8. Bonds issued under provisions of this act shall distinctly state that they are not a general obligation of the state of Washington, but are pay-

able solely out of revenues in the manner provided in this act.

SEC. 9. There is hereby created within the state treasury a special fund to be known as the "general administration construction fund" in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this act, provided, that from the moneys arising from the sale of such bonds there may be deposited in the general administration bond redemption fund an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction. All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

Fund created
—Deposits,
application of
—Investment.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United States government: *Provided*, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved.

SEC. 10. For the purpose of carrying out the provisions of this act, there is hereby appropriated to the department of general administration from the general administration construction fund the sum of five million dollars, or so much thereof as shall be necessary.

Appropriation.

Housing leased
—Redemption
fund created—
Pledge of
rentals cove-
nant.

SEC. 11. All office or other space made available through the provisions of this act shall be leased by the director to such state agencies, for such rental, and on such terms and conditions as he deems advisable.

The director is authorized to lease office or other space in any project to the federal government, or any agency thereof, upon such terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.

Guarantee
fund created—
Deposits, lim-
itation on,
application of.

SEC. 12. There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund". All unobligated rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unobligated rental income shall be deposited in the general fund.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.

SEC. 13. The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this act.

Director to administer act.

SEC. 14. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

SEC. 15. 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.

Emergency.

Passed the Senate March 5, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 256.

[S. B. 517.]

INDUSTRIAL INSURANCE—STATE MEDICAL AID.

AN ACT relating to labor and industries; and amending section 5, chapter 28, Laws of 1917 as last amended by section 2, chapter 186, Laws of 1943 and section 6, chapter 236, Laws of 1951, and RCW 51.36.010, 51.36.020, 51.36.030 and 51.40.070.

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

SECTION 1. Section 5, chapter 28, Laws of 1917 as last amended by section 2, chapter 186, Laws of 1943 and section 6, chapter 236, Laws of 1951 (heretofore divided and codified as RCW 51.36.010, 51.36.020, 51.36.030 and 51.40.070) is divided and amended as set forth in sections 2, 3, 4, and 5 of this act.

RCW 51.36.010
enacted
without
amendment.

SEC. 2. (RCW 51.36.010) Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive, in addition to such compensation and out of the medical aid fund, proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him out of the accident fund shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him out of the accident fund shall cease; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made

with him or he is placed upon the permanent pension roll. But after any injured workman has returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund if, and as long as, such continuation is deemed by the supervisor of industrial insurance to be necessary to his more complete recovery. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

SEC. 3. (RCW 51.36.020) When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. To assure prompt and adequate hospital care in cases of serious injury the department shall furnish to employers suitable index cards which the employer shall be required to have filled in and shall keep at all times convenient and accessible on which shall be set forth the name and address of each workman, together with such information as, in the judgment of the department, is necessary in cases of serious injury where the workman may be rendered unconscious and at the point of death, said card to be filled in at time of employment of workman and to have space for the following information: Hospital preferred, doctor preferred, religious, fraternal or union affiliations, and name of nearest relative: *Provided*, That the employee may at his option decline to give any or all of the information hereinbefore provided for.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes to be purchased by the department at the expense of the accident fund. Every workman, who suffers a penetrating wound

RCW 51.36.020
amended.
Speedy and
adequate care
—Artificial
substitutes and
mechanical
aids.

of the cornea producing an error of refraction, shall be once provided, at the expense of the accident fund, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced at the expense of the accident fund. Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced at the expense of the accident fund. The accident fund shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, may be provided at the expense of the medical aid fund and all mechanical appliances required as permanent equipment after treatment has been completed shall be provided at the expense of the accident fund. A workman, whose injury is of such short duration as to bring him within the provisions of subsection (4) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

RCW 51.36.030
enacted
without
amendment.

SEC. 4. (RCW 51.36.030) Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the department with materials for first aid to his injured workmen. Every employer who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep one first aid station equipped as required by the department with materials for first aid to his injured workmen, and shall cooperate with the department in training one or more employees in first aid to the

injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under Title 49.

SEC. 5. (RCW 51.40.070) The director shall have power to enact rules prescribing whether and under what conditions an injured workman, who has been receiving treatment under medical aid contract at a place other than his place of permanent abode and who shall be or have become ambulatory or who, being discharged, shall require further treatment, may be transferred to the care of a surgeon at his place of residence, and providing for the compensation of such surgeon at the expense of the doctor, hospital or hospital association holding such contract.

RCW 51.40.070
enacted
without
amendment.

Passed the Senate March 7, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 257.

[S. B. 264.]

PUBLIC LANDS.

AN ACT relating to public lands; defining valuable material; providing for the uniform administration, sale, and lease of state land included in sustained yield forests, capitol building lands, and other state grant lands; conforming the statutory provisions applicable thereto to reflect the transfer or authority to the board of natural resources as contained in chapter 38, Laws of 1957; increasing periods of leases from five to ten years; authorizing their leasing for public school purposes; providing for the conduct of sales and notice thereof; regulating the acquisition of public lands for easements for utilities; prohibiting cattle, horses, sheep, or goats from entering on state lands of area exceeding forty acres; adding one new section to chapter 79.01 RCW; amending section 27, chapter 255, Laws of 1927 and RCW 79.01.084; amending section 22, chapter 255, Laws of 1927 and RCW 79.01.088; amending section 2, chapter 217, Laws of 1941 and RCW 79.01.092;

Public lands.

amending section 1, chapter 394, Laws of 1955 and RCW 79.01.096; amending section 25, chapter 255, Laws of 1927 and RCW 79.01.100; amending section 26, chapter 255, Laws of 1927 and RCW 79.01.104; amending section 27, chapter 255, Laws of 1927 and RCW 79.01.108; amending section 28, chapter 255, Laws of 1927 and RCW 79.01.112; amending section 1, chapter 55, Laws of 1935 and RCW 79.01.116; amending section 30, chapter 255, Laws of 1927 and RCW 79.01.120; amending section 1, chapter 220, Laws of 1929 and RCW 79.01.124; amending section 33, chapter 255, Laws of 1927 and RCW 79.01.132; amending section 34, chapter 255, Laws of 1927 and RCW 79.01.136; amending section 40, chapter 255, Laws of 1927 and RCW 79.01.160; amending section 41, chapter 255, Laws of 1927 and RCW 79.01.164; amending section 42, chapter 255, Laws of 1927 and RCW 79.01.168; amending section 46, chapter 255, Laws of 1927 and RCW 79.01.184; amending section 47, chapter 255, Laws of 1927 and RCW 79.01.188; amending section 49, chapter 255, Laws of 1927 and RCW 79.01.196; amending section 1, chapter 66, Laws of 1933 and RCW 79.01.200; amending section 51, chapter 255, Laws of 1927 and RCW 79.01.204; amending section 53, chapter 255, Laws of 1927 and RCW 79.01.212; amending section 54, chapter 255, Laws of 1927 and RCW 79.01.216; amending section 55, chapter 255, Laws of 1927 and RCW 79.01.220; amending section 57, chapter 255, Laws of 1927 and RCW 79.01.228; amending section 2, chapter 394, Laws of 1955 and RCW 79.01.236; amending section 60, chapter 255, Laws of 1927 and RCW 79.01.240; amending section 1, chapter 171, Laws of 1947 and RCW 79.01.244; amending section 68, chapter 255, Laws of 1927 and RCW 79.01.272; amending section 69, chapter 255, Laws of 1927 and RCW 79.01.276; amending section 71, chapter 255, Laws of 1927 and RCW 79.01.284; amending section 72, chapter 255, Laws of 1927 and RCW 79.01.288; amending section 74, chapter 255, Laws of 1927 and RCW 79.01.296; amending section 2, chapter 147, Laws of 1945 and RCW 79.01.388; amending section 3, chapter 147, Laws of 1945 and RCW 79.01.392; amending section 113, chapter 255, Laws of 1927 and RCW 79.01.452; amending section 2, chapter 103, Laws of 1945 and RCW 79.01.644; amending section 186, chapter 255, Laws of 1927 and RCW 79.01.704; amending section 194, chapter 255, Laws of 1927 and RCW 79.01.736; amending section 3, chapter 266, Laws of 1951 and RCW 79.12.236; amending section 2, chapter 69, Laws of 1909 and RCW 79.24.010; amending section 12, chapter 59, Laws of 1911 and RCW 79.24.030; amending section 10, chapter 59, Laws of 1911 and RCW 79.24.060; amending section 1, chapter 69, Laws of 1909 and RCW 79.24.080; amending section 8, chapter

69, Laws of 1909 and RCW 79.24.085; amending section 1, chapter 165, Laws of 1937 and RCW 79.40.050; repealing section 39, chapter 255, Laws of 1927 and RCW 79.01.156; repealing section 45, chapter 255, Laws of 1927 and RCW 79.01.180; repealing sections 1 and 2, chapter 84, Laws of 1937 and RCW 79.12.220 and 79.12.230; repealing section 9, chapter 59, Laws of 1911 and RCW 79.24.040; repealing section 4, chapter 69, Laws of 1909 and RCW 79.24.050; repealing section 11, chapter 59, Laws of 1911 and RCW 79.24.070; repealing section 10, chapter 83, Laws of 1893 and RCW 79.24.090; repealing section 2, chapter 175, Laws of 1933 and RCW 79.56.030; repealing section 3, chapter 175, Laws of 1933 and RCW 79.56.040; repealing section 4, chapter 175, Laws of 1933 and RCW 79.56.050; and repealing section 5, chapter 175, Laws of 1933 and RCW 79.56.060.

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

SECTION 1. There is added to chapter 79.01 RCW a new section to read as follows: New section.

“Valuable materials.” Whenever used in this title the term “valuable materials” when referring to public lands belonging to the state means any product or material on said lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under 79.01 RCW. “Valuable materials.”

SEC. 2. Section 27, chapter 255, Laws of 1927 and RCW 79.01.084 are each amended to read as follows: RCW 79.01.084 amended.

The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the appraisalment, and purchase of any state lands, and the purchase of tide or shore lands, and the purchase of timber, fallen timber, stone, gravel or other valuable materials situated thereon, and the lease of state lands, tidelands, shorelands and harbor areas which forms shall contain such instructions as will inform and aid intending applicants in making applications. Appraisalment, sale and lease of state lands
—Blank forms of application.

RCW 79.01.088
amended.

SEC. 3. Section 22, chapter 255, Laws of 1927 and RCW 79.01.088 are each amended to read as follows:

Who may
purchase or
lease—
Application
—Deposit.

Any citizen, or person who has in good faith declared his intentions of becoming a citizen of the United States, or any corporation organized under the laws of this state or any state or territory of the United States, the majority of stockholders of which are citizens of the United States, desiring to purchase any state lands, or to purchase any tide or shore lands, or to purchase any timber, fallen timber, stone, gravel or other valuable materials situated on state, tide or shore lands, or to lease any state, tide or shore lands, or harbor areas, shall file in the office of the commissioner of public lands an application, on the proper form and in case of application for the purchase of lands, or for the purchase of timber, fallen timber, stone, gravel or other valuable materials, shall deposit with the application not less than ten cents per acre for the land or material applied for, but in no case less than ten dollars, and in case of application for lease for any purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, shall deposit the sum of ten dollars, which deposit shall be returned to the applicant in case the land or materials applied for is sold, or the land or area leased, when offered pursuant to the application, but in case the land or material is not sold, or the land or area not leased, by reason of the failure of the applicant to bid the appraised value, or the fixed rental thereof, when the same is offered, the deposit shall be forfeited to the state and paid into the state treasury to the credit of the general fund.

RCW 79.01.092
amended.

SEC. 4. Section 2, chapter 217, Laws of 1941 and RCW 79.01.092 are each amended to read as follows:

When, in the judgment of the commissioner of public lands, a sufficient number of applications for

the appraisement and sale, or the lease, for any lawful purpose, excepting mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, have been received, the commissioner shall cause each tract of land so applied for to be inspected by one or more state land inspectors as to its character, topography, agricultural and grazing qualities, timber, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and a full report thereof to be made to the commissioner, together with the inspector's judgment as to the present and prospective value, or rental value, as the case may be. In case of an application to purchase land granted to the state for educational purposes, the commissioner shall submit said report together with all other information in the records of the office of the commissioner of public lands concerning the land applied for, to the board of natural resources, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the commissioner of public lands shall appraise and fix the value thereof. In case of applications for the lease of state lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the commissioner of public lands shall fix the rental value thereof, and shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best

Inspection
and appraisal
—Minimum
price of edu-
cational lands.

interest of the state, by written order which shall be filed with the lease in the office of the commissioner, and a copy mailed to the lessee at his last known post office address, and upon the expiration of such lease the commissioner of public lands, shall not appraise said improvements in an amount exceeding the limit so fixed by the commissioner of public lands.

RCW 79.01.096 amended.

SEC. 5. Section 1, chapter 394, Laws of 1955 and RCW 79.01.096 are each amended to read as follows:

Maximum, minimum areas subject to sale or lease—Exception—Approval of regents—Duration of leases.

Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

Any land granted to the state by the United States, may be sold or leased for any lawful purpose in such minimum areas as may be fixed by the commissioner of public lands, except that upon the application of a cemetery association for the purchase of school land for a cemetery site or sites, not less than one nor more than ten acres may be offered, and upon the application of a school district for the purchase of a schoolhouse site or sites on any school land, not less than three nor more than ten acres may be offered for sale, and in all cases where a schoolhouse is or may be erected upon any school land the school district to which the schoolhouse belongs shall have the preference right for six months after the filing of the final appraisal of such school land to purchase the schoolhouse sites, to include the land occupied by the schoolhouse and grounds, at the appraised value thereof.

Land granted to the state shall not be leased for a longer period than ten years except that such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydro-

carbon substances or for the mining of coal or for commercial, business, or public school purposes for any period not exceeding twenty years with a preferential right to a new lease covering such lands for an additional period not exceeding twenty years.

SEC. 6. Section 25, chapter 255, Laws of 1927 and RCW 79.01.100 are each amended to read as follows:

RCW 79.01.100 amended.

The commissioner of public lands shall cause all unplatted state lands, within the limits of any incorporated city or town, or within two miles of the boundary thereof, where the valuation of such lands is found by appraisement to exceed one hundred dollars per acre, to be platted into lots and blocks, of not more than five acres in a block, before the same are offered for sale, and not more than one block shall be offered for sale in one parcel. The commissioner of public lands may designate or describe any such plat by name, or numeral, or as an addition to such city or town, and, upon the filing of any such plat, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat, according to the designation prescribed by the commissioner of public lands. Such plats shall be made in duplicate, and when properly authenticated by the commissioner of public lands, one copy thereof shall be filed in the office of the commissioner and one copy in the office of the county auditor in which the lands are situated, and said auditor shall receive and file such plats without compensation or fees and make record thereof in the same manner as required by law for the filing and recording of other plats in his office.

Maximum area of urban or suburban state land —Platting.

SEC. 7. Section 26, chapter 255, Laws of 1927 and RCW 79.01.104 are each amended to read as follows:

RCW 79.01.104 amended.

When, in the judgment of the commissioner of public lands the best interest of the state will be

Vacation of
plat by com-
missioner—
Vested rights.

thereby promoted, the commissioner may vacate any plat or plats covering state lands, and vacate any street, alley or other public place therein situated: *Provided*, That the vacation of any such plat shall not affect the vested rights of any person or persons theretofore acquired therein. In the exercise of the foregoing power and authority to vacate the commissioner shall enter an order in the records of his office and at once forward a certified copy thereof to the county auditor of the county wherein said platted lands are located and said auditor shall cause the same to be recorded in the miscellaneous records of his office and noted on the plat by reference to the volume and page of the record.

RCW 79.01.108
amended.

SEC. 8. Section 27, chapter 255, Laws of 1927 and RCW 79.01.108 are each amended to read as follows:

Vacation on
petition—
Preference
right to
purchase.

Whenever all the owners and other persons having a vested interest in the lands abutting on any street, alley, or other public place, or any portion thereof, in any plat of state lands, lying outside the limits of any incorporated city or town, shall petition the commissioner of public lands therefor, the commissioner may vacate any such tract, alley or public place or part thereof and in such case all such streets, alleys or other public places or portions thereof so vacated shall be platted, appraised and sold or leased in the manner provided for the platting, appraisal and sale or lease of similar lands: *Provided*, That where the area vacated can be determined from the plat already filed it shall not be necessary to survey such area before platting the same. The owner or owners, or other persons having a vested interest in the lands abutting on any of the lots, blocks or other parcels platted upon the lands embraced within any area vacated as hereinabove provided, shall have a preference right for the period of sixty days from the date of filing such plat and the appraisal of such

lots, blocks or other parcels of land in the office of the commissioner of public lands, to purchase the same at the appraised value thereof.

SEC. 9. Section 28, chapter 255, Laws of 1927 and RCW 79.01.112 are each amended to read as follows:

RCW 79.01.112 amended.

Whenever application is made to purchase less than a section of unplatted state lands, the commissioner of public lands may order the inspection of the entire section or sections of which the lands applied for form a part.

Entire section may be inspected.

SEC. 10. Section 1, chapter 55, Laws of 1935 and RCW 79.01.116 are each amended to read as follows:

RCW 79.01.116 amended.

In no case shall any lands granted to the state be offered for sale unless the same shall have been appraised by the board of natural resources within ninety days prior to the date fixed for the sale, and in no case shall any other state lands, or tide or shore lands belonging to the state, or any materials on any state lands, or on any tide or shore lands, or the beds of navigable waters belonging to the state, be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale.

Date of sale limited by time of appraisal.

SEC. 11. Section 30, chapter 255, Laws of 1927 and RCW 79.01.120 are each amended to read as follows:

RCW 79.01.120 amended.

The commissioner of public lands may cause any state lands, or any tide or shore lands, to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

Survey to determine area.

SEC. 12. Section 1, chapter 220, Laws of 1929 and RCW 79.01.124 are each amended to read as follows:

RCW 79.01.124 amended.

Timber, fallen timber, stone, gravel, or other valuable material situated upon state lands, or upon

Timber,
valuable
materials sold
separately—
When—
Materials
from
Columbia,
agreements
with Oregon.

tide or shore lands, or the bed of navigable waters belonging to the state may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the same, and in case the estimated amount of timber on any tract of state lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land. When application is made for the purchase of any valuable material, situated upon state lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state, the same inspection and report shall be had as upon an application for the appraisalment and sale of such lands, and the commissioner of public lands shall appraise the value of the material applied for. No timber, fallen timber, stone, gravel or other valuable material, shall be sold for less than the appraised value thereof. The commissioner of public lands is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which, in the judgment of said commissioner of public lands will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other materials taken from the bed of the Columbia river where said river forms the boundary line between said states.

RCW 79.01.132
amended.

SEC. 13. Section 33, chapter 255, Laws of 1927 and RCW 79.01.132 are each amended to read as follows:

—Cash
payment—
Time limit
on removal
—Reversion
—Extension.

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, the full purchase price thereof shall be paid in cash.

In all cases where timber, fallen timber, stone, gravel, or other valuable material, is sold separate from the land, the same shall revert to the state if not removed from the land within five years from

the date of the purchase thereof: *Provided*, That in all cases where, in the judgment of the commissioner of public lands, the purchaser is acting in good faith and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding ten years, upon payment to the state of a sum, to be fixed by the commissioner, of not less than one nor more than two dollars per acre per annum, and the commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

SEC. 14. Section 34, chapter 255, Laws of 1927 and RCW 79.01.136 are each amended to read as follows:

RCW 79.01.136 amended.

Before any state lands are offered for sale, or before any state lands are offered for lease, the commissioner of public lands shall separately appraise all improvements situated thereon at the time of the appraisal of the land, at such sum as the improvements add to the value of the land for the purpose of selling the same, and shall also appraise all damages and waste committed or suffered upon such lands by the cutting or removal of timber, or the removal of stone, gravel or other valuable material, by the person or persons owning such improvements, or their assignors, and the damages so found shall be deducted from the appraised value of the improvements, and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the office of the commissioner of public lands, but nothing herein shall be construed as affecting the right of the state to receive the full value of the land.

Separate appraisal of improvements — Damage and waste to be deducted.

SEC. 15. Section 40, chapter 255, Laws of 1927

RCW 79.01.160 amended.

and RCW 79.01.160 are each amended to read as follows:

Rules, regulations for removal of timber sold.

All sales of timber upon state lands shall be made subject to the right, power and authority of the commissioner of public lands to prescribe rules and regulations governing the manner of the removal of the timber with a view to the protection of the nonmerchantable timber against destruction or injury by fire or from other causes, and such rules or regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the commissioner of public lands.

RCW 79.01.164 amended.

SEC. 16. Section 41, chapter 255, Laws of 1927 and RCW 79.01.164 are each amended to read as follows:

Classification of land after timber removed—Lands for reforestation reserved.

When the merchantable timber has been sold and actually removed from any state lands, the commissioner of public lands may classify the land, and may reserve from any future sale such portions thereof as may be found suitable for reforestation, and in such case, the commissioner shall enter such reservation in the records in his office, and all such lands so reserved shall not thereafter be subject to sale or lease. The commissioner of public lands shall certify all such reservations for reforestation so made, to the board of natural resources, and it shall be the duty of the department of natural resources, to protect such lands, and the remaining timber thereon, from fire and to reforest the same.

RCW 79.01.168 amended.

SEC. 17. Section 42, chapter 255, Laws of 1927 and RCW 79.01.168 are each amended to read as follows:

Sale of timber damaged by fire or storm.

The commissioner of public lands may cause all timber on state lands, which shall have been damaged by any storm, where the timber is down and should be removed from the land to permit immediate salvage of the value thereof, or where the timber has been damaged by fire, insects or disease,

to be inspected and appraised and offered for sale when authorized by the board of natural resources without an application having been filed, or deposit made, for the purchase of the same.

SEC. 18. Section 46, chapter 255, Laws of 1927 and RCW 79.01.184 are each amended to read as follows:

RCW 79.01.184 amended.

When the commissioner of public lands shall have decided to sell any public lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon it shall be the duty of the commissioner of public lands to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

Sale procedure. Fixing date—Notice—Publication and posting.

The commissioner shall give notice of the sale by advertisement published once a week for four weeks next before the time he shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the district headquarters administering such sale and in the office of the county auditor of such county, which notice shall specify the place, time and terms of sale and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and state the appraised value thereof.

SEC. 19. Section 47, chapter 255, Laws of 1927 and RCW 79.01.188 are each amended to read as follows:

RCW 79.01.188 amended.

—Pamphlet
list—Notice
of sale, proof
of publishing,
posting.

The commissioner of public lands shall cause to be printed a list of all public lands, and of all tide or shore lands, or materials thereon, and the appraised value thereof, that are to be sold in the several counties of the state, said lists to be issued at least four weeks prior to the date of any sale of the lands or materials enumerated thereon, such lands and materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties. The commissioner of public lands shall retain for free distribution in his office and the district offices sufficient copies of said lists, to be kept in a conspicuous place or receptacle on the counter of the general office of the commissioner of public lands, and the districts, and, when requested so to do, shall mail copies of said lists as issued to any applicant therefor. Proof of publication of the notice of sale shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.

RCW 79.01.196
amended.

SEC. 20. Section 49, chapter 255, Laws of 1927 and RCW 79.01.196 are each amended to read as follows:

When sales are made by the county auditor, they shall take place at the court house in the county in which the whole, or the greater part, of each lot, block or tract of land, or the material thereon, to be sold, is situated. All other sales shall be held at the departmental district offices having jurisdiction over the respective sales. Sales shall be conducted between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

—Place of
sale—Hours—
Reoffered sale
readvertised.

Any sale which has been offered, and for which there are no bids received shall not be reoffered until it has been readvertised as specified in RCW 79.01-.188 and 79.01.192. If all sales cannot be offered within the specified time on the advertised date, the sale shall continue on the following day between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

SEC. 21. Section 1, chapter 66, Laws of 1933 and RCW 79.01.200 are each amended to read as follows:

RCW 79.01.200
amended.

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: *Provided*, That when valuable material has been appraised at an amount not exceeding two hundred and fifty dollars, the commissioner of public lands may arrange for the sale of said valuable material direct to the applicant, and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold.

—Sales at
auction—Min-
imum price
—Exception.

SEC. 22. Section 51, chapter 255, Laws of 1927

RCW 79.01.204
amended.

and RCW 79.01.204 are each amended to read as follows:

—Conduct of
sales—Deposits
—Payments—
Memorandum
of purchase.

Such sales shall be conducted under the direction of the commissioner of public lands, by his authorized representative or by the county auditor of the county in which the sale is held. The commissioner's representative and the county auditor are hereinafter referred to as auctioneers. Prior to offering each sale each bidder must deposit with the auctioneer, either in cash or by certified check or accepted draft drawn upon some bank doing business in this state, or by postal money order, payable to the order of the commissioner of public lands, of an amount equal to ten percent. Only those parties who have submitted said deposits will be allowed to bid. The deposit shall include a specified amount of the purchase price of the land or valuable materials sold, together with the fee required by law for the issuance of contracts, deeds or bills of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due, shall on the day of the sale be paid in cash, certified check, draft, postal money order, or by personal check made payable to the commissioner. Other deposits, if any, will be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser, a memorandum of his purchase containing a description of the land, or materials, purchased, the price bid and the terms of sale. The auctioneer shall at once send to the commissioner such cash or certified check, draft or postal money order, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the commissioner.

SEC. 23. Section 53, chapter 255, Laws of 1927 and RCW 79.01.212 are each amended to read as follows:

If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the commissioner of public lands within ten days from the receipt of the report of the auctioneer conducting the sale of any public lands, or valuable material thereon, and it shall appear from such report that the sale was fairly conducted, that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the commissioner shall be satisfied that the lands, or material, sold would not, upon being readvertised and offered for sale, sell for at least ten percent more than the price at which it shall have been sold, and that the payment, required by law to be made at the time of making the sale, has been made, and that the best interests of the state may be subserved thereby, the commissioner of public lands shall enter upon his records a confirmation of sale and thereupon issue to the purchaser a contract of sale, deed or bill of sale, as the case may be, as in this chapter provided.

—Confirmation of sale.

SEC. 24. Section 54, chapter 255, Laws of 1927 and RCW 79.01.216 are each amended to read as follows:

All state lands, and all tide and shore lands, shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of the issuance of the contract of sale, and one-tenth annually thereafter until the full purchase price has been paid, but any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six percent per annum. The first installment of interest shall become due and payable one year after the

—Terms of payments
—Improvements.

—Terms of
payments
—Improve-
ments.

date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the commissioner of public lands: *Provided*, That the commissioner of public lands may, when he deems it for the best interest of the state, sell any state lands, in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid, but in such case, before any such lands are offered for sale, the commissioner of public lands shall prescribe the extent and character of the improvements that shall be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if the holder thereof shall fail in any year to make such improvements as shall be prescribed by the commissioner before the lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part of the consideration thereof. Every such purchaser shall render to the commissioner of public lands between the tenth day of December and the thirty-first day of December of each year during the first ten years a full and complete statement of the character and cost of the improvements placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the commissioner, and he may pay any number of installments of the purchase price of said lands at any time prior to the dates of payment as above provided for, if the commissioner is satisfied that the improvements which he has placed

upon said lands are such as to insure a bona fide cultivation and use thereof for agricultural, horticultural or dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four percent per annum for the first ten years after the date of sale, and thereafter at the rate of six percent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes.

SEC. 25. Section 55, chapter 255, Laws of 1927 and RCW 79.01.220 are each amended to read as follows:

RCW 79.01.220 amended.

When the entire purchase price of any state lands, or of any tide or shore lands, shall have been fully paid, the commissioner of public lands shall certify such fact to the governor, and shall cause a deed signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed of land issued by the governor other than the fee provided for in this chapter.

—Certificate to governor of payment in full—Deed.

SEC. 26. Section 57, chapter 255, Laws of 1927 and RCW 79.01.228 are each amended to read as follows:

RCW 79.01.228 amended.

The purchaser of state lands, or of tide or shore lands, under the provisions of this chapter, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf of the state, with the seal of his office attached, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payments of principal

—Form of contract—Forfeiture—Extension of time.

and interest, computed from the date the contract is issued, when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on failure to make the payments as prescribed in this chapter when due, and for six months thereafter, that he will, on demand of the commissioner of public lands, surrender said premises, and that upon such failure for six months all rights of the purchaser under said contract may, at the election of the commissioner of public lands, acting for the state, and without notice to said purchaser, be declared to be forfeited, and that when so declared forfeited the state shall be released from all obligation to convey the land.

The contract provided for in this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands.

The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on contracts heretofore issued, and contracts to be issued under this chapter.

The commissioner of public lands shall notify the purchaser of any state lands, and of tide or shore lands, in each instance when payment on his contract is overdue, and that he is liable to forfeiture if payment is not made within six months from the time the same become due, unless the time be extended by the commissioner of public lands.

RCW 79.01.236
amended.

SEC. 27. Section 2, chapter 394, Laws of 1955 and RCW 79.01.236 are each amended to read as follows:

Subdivision
of contracts
or leases.

Whenever the holder of a contract of purchase of any state lands, or of any tide or shore lands, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner with the request to have it

divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where the commissioner is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee of five dollars for each new contract, or lease, issued, shall be paid by the applicant and such fee shall be paid into the state treasury with other fees of the office.

SEC. 28. Section 60, chapter 255, Laws of 1927 and RCW 79.01.240 are each amended to read as follows:

RCW 79.01.240 amended.

Any sale or lease of state lands, or of tide or shore lands, made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation, shall be void, and the contract of purchase, or lease, issued thereon, shall be of no effect, and the holder of such contract, or lease, shall be required to surrender the same to the commissioner of public lands, who, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury.

Effect of mistake or fraud.

SEC. 29. Section 1, chapter 171, Laws of 1947 and RCW 79.01.244 are each amended to read as follows:

RCW 79.01.244 amended.

The commissioner of public lands shall be authorized to lease, for a term of ten years or less, to the highest bidder at public auction, any state lands, for any purpose, except mining of valuable minerals or coal or extraction of petroleum or gas, but such lands shall not be leased for less than the appraised

Lease procedure. Duration—Restrictions.

rental value thereof, nor shall agricultural lands be leased for less than ten cents per acre.

All state lands hereafter leased for grazing purposes shall be open and available to the public for purposes of hunting and fishing unless closed to public entry because of fire hazard or unless lawfully posted by lessee to prohibit hunting and fishing thereon. In the event any such lands are so posted it shall be unlawful for any person to hunt or fish on any such posted lands.

The commissioner of public lands shall insert the provisions of the preceding paragraph in all grazing leases hereafter issued.

RCW 79.01.272 amended.

SEC. 30. Section 68, chapter 255, Laws of 1927 and RCW 79.01.272 are each amended to read as follows:

—Improver's preference right to lease.

The owner of improvements placed on state lands held under contracts of purchase from the state, where such contracts are forfeited to the state, shall have a preference right to lease any of such lands for a period of ninety days from the cancellation of his contract by the state, in the following manner: The owner of such improvements shall make application in writing, to the commissioner of public lands, for the lease of such lands, certifying under oath as to the character and value of such improvements, and setting forth the amount of annual rental offered for the lease of the lands, and if the commissioner shall deem the rental offered sufficient and that it is to the best interests of the state to accept said offer, he shall, upon the receipt of the first year's rental in advance in accordance with such offer, proceed to issue to the applicant a lease of the lands, for any period not exceeding ten years, in the same manner as in this chapter provided for the issuance of leases of state lands to the highest bidder at public auction. If such lands are not leased as above provided in this section, the same may be

leased or sold as provided in this chapter for the lease or sale of state lands.

SEC. 31. Section 69, chapter 255, Laws of 1927 and RCW 79.01.276 are each amended to read as follows:

RCW 79.01.276 amended.

If at the expiration of any lease of any state lands, except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, or any renewal of any such lease, the lessee desires to re-lease the lands covered thereby, he shall within thirty days after the expiration of his lease, or renewal lease, make application in writing, upon a form prepared for that purpose, to the commissioner of public lands for a re-lease, certifying under oath as to the character and value of all improvements existing on the land, name and post office address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee to be the reasonable annual rental value of the lands, and such other information as the commissioner of public lands may require, and shall deposit with such application the sum of ten dollars, which deposit, if the applicant shall fail or refuse to accept a re-lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state and by the commissioner paid into the state treasury and credited to the general fund. Upon the filing of any such application for a re-lease, the commissioner of public lands may cause the lands to be inspected and a full report made thereon as in the case of original applications for leases, and if he deems it for the best interests of the state to re-lease said lands to the applicant, he shall fix the rental value thereof and notify the applicant of the rental value so fixed, and if within thirty days after the date of such notice the applicant shall pay to the commissioner of public lands the first year's rental as fixed by the commis-

—Renewal of leases.

sioner, together with the fees required by law, less the sum of ten dollars already deposited, the commissioner shall issue to the applicant a renewal lease for any period not exceeding ten years.

RCW 79.01.284
amended.

SEC. 32. Section 71, chapter 255, Laws of 1927 and RCW 79.01.284 are each amended to read as follows:

Water right
for irrigation
as improve-
ment.

At any time during the existence of any lease of state lands, except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, the lessee with the consent of of the commissioner of public lands, first obtained, by written application, showing the cost and benefits to be derived thereby, may purchase or acquire a water right appurtenant to and in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement to the lands, then, in case of the sale or lease of such lands to other parties, the lessee acquiring such water right shall be entitled to receive the value thereof as in case of other improvements which he has placed upon the land.

RCW 79.01.288
amended.

SEC. 33. Section 72, chapter 255, Laws of 1927 and RCW 79.01.288 are each amended to read as follows:

Removal or
sale of im-
provements
upon termin-
ation of lease.

Whenever the lessee of state lands, except lands leased for the purpose of mining of valuable minerals or coal, or extraction of petroleum or gas, shall surrender his lease before the end of its term or shall fail to re-lease such lands at the expiration of the term of his lease, any improvements made upon the leased premises by the lessee, that are capable of removal without damage to the land, may be removed by the lessee, or may be left upon the land subject to purchase by any purchaser or lessee of the land within three years from the surrender or expiration of the lease.

SEC. 34. Section 74, chapter 255, Laws of 1927 and RCW 79.01.296 are each amended to read as follows:

RCW 79.01.296 amended.

The lessee, or assignee of any lease, of state lands, leased for grazing purposes, shall not use the same for any other purpose than that expressed in the lease: *Provided*, That such lessee, or his assignee, of state lands, may surrender his lease to the commissioner of public lands and request the commissioner to issue an agricultural lease in lieu thereof, and in such case, the commissioner upon the payment of the fixed rental for agricultural purposes under the appraisalment of said land shall be authorized to issue a new lease, for the unexpired portion of the term of the lease surrendered, under which the lessee shall be permitted to clear, plow and cultivate the lands as in the case of an original lease for agricultural purposes.

Grazing leases
—Restrictions
—Agricultural
leases in lieu
of.

SEC. 35. Section 2, chapter 147, Laws of 1945 and RCW 79.01.388 are each amended to read as follows:

RCW 79.01.388 amended.

In order to obtain the benefits of the grant made in RCW 79.01.384, 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 pur-

Right of way
for utility
pipe lines,
etc. Procedure
to acquire.

poses 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, and/or reproduction within said right of way. The grant shall also include the right to cut trees marked as danger trees by the applicant outside of the right of way, which shall be dangerous to the operation and maintenance of the telephone line, ditch, flume, pipe line or transmission line upon full payment of the appraised value thereof.

RCW 79.01.392 amended.

SEC. 36. Section 3, chapter 147, Laws of 1945 and RCW 79.01.392 are each amended to read as follows:

—Appraisal
—Certificate
—Reversion
for nonuser.

Upon the filing of the plat and field notes, as provided in RCW 79.01.388, the land applied for and the standing timber and/or reproduction on the right of way applied for, and the marked danger trees to be felled off the right of way, 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, of the standing timber, reproduction, 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 office, 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.

SEC. 37. Section 113, chapter 255, Laws of 1927 and RCW 79.01.452 are each amended to read as follows:

RCW 79.01.452 amended.

Any tide or shore lands of the first class remaining unsold and where there is no pending application for the purchase of the same under claim of any preference right, shall be sold on the same terms and in the same manner as provided for the sale of state lands, for not less than the appraised value fixed at the time of the application to purchase, and the commissioner of public lands whenever he shall deem it advisable and for the best interest of the state may reappraise such lands in the same manner as provided for the appraisalment of state lands.

Tide and shore lands. Sale of remaining lands.

SEC. 38. Section 2, chapter 103, Laws of 1945 and RCW 79.01.644 are each amended to read as follows:

RCW 79.01.644 amended.

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 percent 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 con-

Mineral prospecting and mining. Royalties—Renewal of contract.

ditions 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 contract 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.

RCW 79.01.704 amended.

SEC. 39. Section 186, chapter 255, Laws of 1927 and RCW 79.01.704 are each amended to read as follows:

Witnesses. Compelling attendance, production of books, etc.

In all hearings pertaining to public lands of the state, as provided by this chapter, the board of natural resources, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

Said subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpoena is issued.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall

be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Any person duly served with a subpoena, as herein provided, and who shall fail to obey the same, without legal excuse, shall be considered in contempt, and the board, or commissioner, shall certify the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases for contempt of court and the certificate of the board, or commissioner, shall be considered by the court as prima facie evidence of the guilt of the party charged with contempt.

SEC. 40. Section 194, chapter 255, Laws of 1927 and RCW 79.01.736 are each amended to read as follows:

RCW 79.01.736 amended.

It shall be the duty of the attorney general, to institute, or defend, any action or proceeding to which the state, or the commissioner of public lands, or the board of natural resources, is or may be a party, or in which the interests of the state are involved, in any court of this state, or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when requested so to do by the commissioner of public lands, or the board of natural resources, or upon his own initiative.

Duty of attorney general—Commissioner may represent state.

The commissioner of public lands is authorized to represent the state in any such action or proceeding relating to any public lands of the state.

SEC. 41. Section 3, chapter 266, Laws of 1951 and RCW 79.12.236 are each amended to read as follows:

RCW 79.12.236 amended.

Sale of timber or stumpage on scale basis. Cash deposit required.

At the time of executing the contract, the purchaser shall make a cash deposit in an amount to be fixed by the commissioner of public lands of not less than ten percent of the estimated value of the timber purchased computed at the stumpage rate bid. At no time shall the amount due the state for timber actually cut and removed exceed the amount of the deposit as hereinabove set forth. The amount of the deposit shall be returned to the purchaser upon completion and full compliance with the contract by the purchaser, or it may, at the discretion of the purchaser, be applied on final payment of the full amount due under the contract. Upon failure of the purchaser to comply with the terms of the contract, the commissioner of public lands shall enter a forfeiture thereof and the deposit made in connection therewith may be forfeited upon order of the commissioner.

RCW 79.24.010 amended.

SEC. 42. Section 2, chapter 69, Laws of 1909 and RCW 79.24.010 are each amended to read as follows:

Capitol building lands. Designation of lands.

All lands granted to the state by the federal government for the purpose of erecting public buildings at the state capitol shall be known and designated as "Capitol Building Lands". None of such lands, nor the timber or other materials thereon, shall hereafter be sold without the consent of the board of natural resources and only in the manner as provided for public lands and materials thereon.

RCW 79.24.030 amended.

SEC. 43. Section 12, chapter 59, Laws of 1911 and RCW 79.24.030 are each amended to read as follows:

Employment of assistants —Payment of expenses.

The board of natural resources and the state capitol committee may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of this act, and all expenses incurred by the board and committee, and

all claims against the general fund—capitol building construction account shall be audited by the state capitol committee and presented in vouchers to the state auditor, who shall draw a warrant therefor against the general fund—capitol building construction account as herein provided or out of any appropriation made for such purpose.

SEC. 44. Section 10, chapter 59, Laws of 1911 and RCW 79.24.060 are each amended to read as follows:

RCW 79.24.060 amended.

The proceeds of such sale of capitol building lands, or the timber or other materials shall be paid into the general fund—capitol building construction account to be used as in this act provided. All contracts for the construction of capitol buildings shall be let after notice for proposals or bids have been advertised for at least four consecutive weeks in at least three newspapers of general circulation throughout the state.

Proceeds of sale—Notice of contracts for construction.

SEC. 45. Section 1, chapter 69, Laws of 1909 and RCW 79.24.080 are each amended to read as follows:

RCW 79.24.080 amended.

The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his compensation: *Provided*, That all records of the committee shall be filed in the office of the commissioner of public lands.

Acting secretary appointed—Records filed.

SEC. 46. Section 8, chapter 69, Laws of 1909 and RCW 79.24.085 are each amended to read as follows:

RCW 79.24.085 amended.

All sums of money received from sales shall be paid into the general fund—capitol building construction account in the state treasury, and are hereby appropriated for the purposes of this act.

Disposition of moneys from sales.

SEC. 47. Section 1, chapter 165, Laws of 1937

RCW 79.40.050 amended.

and RCW 79.40.050 are each amended to read as follows:

Trespass by cattle or horses.

It shall be unlawful for the owner of any cattle, horses, sheep, or goats, to permit the same to enter upon land or lands, composed of a single contiguous area exceeding seven hundred acres, owned by the state of Washington in fee simple, in trust or otherwise, where said lands have been obtained by the state through grant, purchase, gift or operation of law, and regardless of the department of state government under which said lands are controlled.

Repeal.

SEC. 48. The following sections are each repealed:

- (1) Section 39, chapter 255, Laws of 1927 and RCW 79.01.156;
- (2) Section 45, chapter 255, Laws of 1927 and RCW 79.01.180;
- (3) Sections 1 and 2, chapter 84, Laws of 1937 and RCW 79.12.220 and 79.12.230;
- (4) Section 9, chapter 59, Laws of 1911 and RCW 79.24.040;
- (5) Section 4, chapter 69, Laws of 1909 and RCW 79.24.050;
- (6) Section 11, chapter 59, Laws of 1911 and RCW 79.24.070;
- (7) Section 10, chapter 83, Laws of 1893 and RCW 79.24.090;
- (8) Section 2, chapter 175, Laws of 1933 and RCW 79.56.030;
- (9) Section 3, chapter 175, Laws of 1933 and RCW 79.56.040;
- (10) Section 4, chapter 175, Laws of 1933 and RCW 79.56.050;
- (11) Section 5, chapter 175, Laws of 1933 and RCW 79.56.060.

Passed the Senate March 11, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 258.

[S. B. 333.]

LAKES—LEVEL—WEEDS.

AN ACT relating to lakes; amending section 2, chapter 107, Laws of 1939 and RCW 90.24.010; amending section 4, chapter 107, Laws of 1939, as amended by section 1, chapter 210, Laws of 1947 and RCW 90.24.030; amending section 5, chapter 107, Laws of 1939 and RCW 90.24.040; and adding a new section to chapter 90.24 RCW.

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

SECTION 1. Section 2, chapter 107, Laws of 1939 and RCW 90.24.010 are each amended to read as follows:

RCW 90.24.010 amended.

Ten or more owners of real property abutting on a meandered lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein, for the benefit of the property abutting thereon and to provide for the periodic lowering of the lake level to facilitate the elimination of weed growth and other similar objectionable matters in the lake. The court, after hearing, is authorized to make an order fixing the water level thereof except during that period when it is ordered to be lowered for weed control and other similar purposes and directing the supervisor to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any meandered lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

Action to regulate flow
—Order—
Exceptions.

SEC. 2. Section 4, chapter 107, Laws of 1939, as amended by section 1, chapter 210, Laws of 1947 and RCW 90.24.030 are each amended to read as follows:

RCW 90.24.030 amended.

Title of the
action—
Service of
petition and
notice.

The petition shall be entitled "In the matter of fixing the level of Lake.....in..... county, Washington," and shall be filed with the clerk of the court and a copy thereof, together with a copy of the order fixing the time for hearing the petition, shall be served on each owner of property abutting on the lake, not less than ten days before the hearing. Like copies shall also be served upon the director of fisheries and of game and the supervisor of water resources. The copy of the petition and of the order fixing time for hearing shall be served in the manner provided by law for the service of summons in civil actions, or in such other manner as may be prescribed by order of the court. For the benefit of every riparian owner abutting on a stream or river flowing from such lake, a copy of the petition and notice of hearing shall be published at least once a week for two consecutive weeks before the time set for hearing in a newspaper in each county or counties wherein located.

RCW 90.24.040
amended.

SEC. 3. Section 5, chapter 107, Laws of 1939 and RCW 90.24.040 are each amended to read as follows:

Hearing—
Order—Court's
continuing
jurisdiction.

At the hearing evidence shall be introduced in support of the petition and all interested parties may be heard for or against it. The court shall make findings and conclusions and enter an order granting or refusing the petition, and if the petition is granted, shall fix the water level to be maintained and direct the supervisor to regulate and control the outflow of the lake so as to properly maintain the water level so far as practicable within maximum and minimum limits when the proper control devices are installed: *Provided*, That the court may order periodic lowering of the lake level to facilitate weed control and other similar objectives: *Provided further*, That the court shall have continuing jurisdiction after a petition is once granted and shall, upon subsequent

petition filed and heard in accordance with the preceding sections, make such further findings and conclusions and enter such further orders as are necessary to accomplish fully the objectives sought in the initial petition: *And Provided further*, That shall the court find any such riparian owners abutting on a stream or river flowing from such lake be adversely affected in any way by the granting of such a petition, such petition shall be refused.

SEC. 4. There is added to chapter 107, Laws of 1939 and to chapter 90.24 RCW a new section to read as follows:

New section.

If the court finds in accordance with the petition that elimination of weed growth and other objectionable matters in the lake is in the best interests of the abutting property owners, it shall determine what steps or measures are necessary to accomplish these objectives, and the probable annual cost thereof, and by its order apportion the cost among the persons whose property abuts on the lake in proportion to the lineal feet of waterfront owned by each, which sum shall constitute a lien against the real property and shall be paid to the county treasurer and by him placed in a special fund to be known as "Lake.....weed removal fund". The court shall appoint a suitable person, to be compensated by the property owners, to undertake weed control and other similar objectives as decreed by the court.

Apportionment of costs in order—Lien—Special fund—Weed controller appointed.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 259.

[S. B. 463.]

WHOLESALE TAX ON CIGARETTES.

AN ACT relating to revenue and taxation; and adding a new section to Title II, chapter 180, Laws of 1935 and to chapter 82.04 RCW.

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

New section. SECTION 1. There is added to Title II, chapter 180, Laws of 1935 as amended, and to chapter 82.04 RCW, a new section to read as follows:

Tax on certain wholesale sales of cigarettes. Upon every person engaging within this state in the business of wholesale sales of manufacturer's stock of cigarettes warehoused in this state by the manufacturer and sold by him at wholesale in this state; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-tenth of one percent.

Persons and activities taxed under this section shall not be liable for the wholesaling tax under the provisions of RCW 82.04.270.

Passed the Senate March 7, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 260.

[H.B. 106.]

CRIMES—OBSCENE MATERIALS.

AN ACT relating to crimes and punishments; and amending section 118, page 96, Laws of 1854, as last amended by section 207, chapter 249, Laws of 1909 and RCW 9.68.010.

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

SECTION 1. Section 118, page 96, Laws of 1854, as last amended by section 207, chapter 249, Laws of 1909 and RCW 9.68.010 are each amended to read as follows:

RCW 9.68.010
amended.

Every person who—

Obscene
literature.

(1) Shall sell or distribute or offer to sell or distribute or has in his possession with intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, phonograph record, magnetic tape, electric or mechanical transcription picture, drawing, photograph, figure, image or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy or indecent, or which contains an article or instrument of indecent use or purports to be for indecent use or purpose; or,

(2) Shall exhibit within the view of any minor any of the books, papers or other things hereinbefore enumerated; or,

(3) Shall hire, use or employ, or having custody or control of his person shall permit any minor to sell, give away, or in any manner distribute any article hereinbefore mentioned; or,

(4) Shall cause to be performed or exhibited, or engage in the performance or exhibition of any obscene, indecent or immoral show, act or performance;

Shall be guilty of a gross misdemeanor.

Excepted from act.

SEC. 2. Nothing in this act shall apply to the circulation of any such material by any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

Passed the House March 9, 1959.

Passed the Senate March 6, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 261.

[H. B. 682.]

MUNICIPAL WATER AND SEWER FACILITIES ACT.

AN ACT relating to municipal corporations and municipal water and sewer facilities.

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

Legislative declaration.

SECTION 1. The improvement of public health and the implementation of both urban and rural development being furthered by adequate and comprehensive water facilities and storm and sanitary sewer systems, and there being a need for legislation enabling such aids to the welfare of the state, there is hereby enacted the "municipal water and sewer facilities act."

Short title.

Contracts for municipal water or sewer facilities authorized.

SEC. 2. The governing body of any city, town, sewer district, water district or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants or appurtenances, hereinafter called "water or sewer facilities", within their boundaries or within four

miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract shall also apply to water or sewer facilities in process of construction on the effective date of this act or which shall not have been finally approved or accepted for full maintenance and operation by such municipality upon the effective date of this act.

SEC. 3. Upon the completion of water or sewer facilities pursuant to contract mentioned in the foregoing section, the governing body of any such municipality shall be authorized to approve their construction and accept the same as facilities of the municipality and to charge for their use such water or sewer rates as such municipality may be authorized by law to establish, and if any such water or sewer facilities are so approved and accepted,

Acceptance of
facilities—
Rates author-
ized.

all further maintenance and operation costs of said water or sewer lines and facilities shall be borne by such municipality.

Assessment
paid before
tapping—
Unauthorized
tap removed.

SEC. 4. No person, firm or corporation shall be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the municipality, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed. All amounts so received by the municipality shall be paid out by it under the terms of such contract within sixty days after the receipt thereof. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the governing body of the municipality may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right of way and dispose of unauthorized material so removed without any liability whatsoever.

Assessment
estimate when
other im-
provement
uses facilities.

SEC. 5. Whenever the cost, or any part thereof, of any water or sewer improvement, whether local or general, is or will be assessed against the owners of real estate and such water or sewer improvement will be connected into or will make use of, contracted water or sewer facilities constructed under the provisions of this act and to the cost of which such owners, or any of them, did not contribute, there shall be included in the engineer's estimate before the hearing on any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided in or computed from

such contract as the fair pro rata share due from such owners upon and for such contracted water or sewer facilities.

Passed the House March 5, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 262.

[H. B. 414.]

NONHIGH SCHOOL DISTRICTS—FINANCING FACILITIES.

AN ACT relating to school districts; providing for participation by nonhigh school districts in financing school facilities or for annexation of such nonhigh school districts; amending sections 1 through 7, chapter 229, Laws of 1953 as amended by sections 1 through 7, chapter 344, Laws of 1955, and RCW 28.56.010 through 28.56.070; repealing sections 8 through 16, chapter 344, Laws of 1955 and RCW 28.56.080 through 28.56.160; and adding three new sections to chapter 28.56 RCW.

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

SECTION 1. Section 1, chapter 229, Laws of 1953 as amended by section 1, chapter 344, Laws of 1955, and RCW 28.56.010 are each amended to read as follows:

RCW 28.56.010 amended.

Upon receipt of a written request from the board of directors of a high school district or a union high school district or a nonhigh school district that presents to the county committee on school district organization satisfactory evidence of a need for high school facilities located therein and of intent and ability to provide such facilities within a period of two years, the county committee shall prepare a plan for participation by the nonhigh school districts in providing capital funds to pay the cost of school facilities and equipment to be provided for the education of students residing in the school districts.

Plan for non-high district to provide capital funds in aid of high school facilities.

Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the county committee along with the aforesaid request.

New section.

SEC. 2. There is added to chapter 28.56 RCW a new section to read as follows:

"High school facilities" defined.

High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction, equipping and furnishing of a building or of an addition to a building. The term shall also (a) include that portion of any building, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (b) include such facilities for grades seven and eight when included in a plan as aforesaid, if the county committee finds that students of these grades who reside in any nonhigh school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued.

RCW 28.56.020 amended.

SEC. 3. Section 2, chapter 229, Laws of 1953 as amended by section 2, chapter 344, Laws of 1955, and RCW 28.56.020 are each amended to read as follows:

The said county committee shall give consideration to:

(1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other nonhigh school district within which the establishment of a high school within a period of two years is warranted;

Factors considered in preparation of plan.

(3) The assessed valuation of the school districts involved in each case and the ability of each district to issue bonds within the limit of indebtedness prescribed by law;

(4) The cash balance, if any, in the building fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance;

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan.

SEC. 4. Section 3, chapter 229, Laws of 1953 as amended by section 3, chapter 344, Laws of 1955, and RCW 28.56.030 are each amended to read as follows:

RCW 28.56.030 amended.

The said county committee shall also hold a public hearing or hearings on any proposed plan: *Provided*, That three members of the committee or two members of the committee and the county superintendent may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the county committee. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the territory of the school districts involved or affected, on the school-house door of each such district, and at the place or places of holding the hearing.

Public hearing —Notice.

RCW 28.56.040
amended.

SEC. 5. Section 4, chapter 229, Laws of 1953 as amended by section 4, chapter 344, Laws of 1955, and RCW 28.56.040 are each amended to read as follows:

Review by
state board
—Approval
—Revised
plan.

Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the county superintendent shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

RCW 28.56.050
amended.

SEC. 6. Section 5, chapter 229, Laws of 1953 as amended by section 5, chapter 344, Laws of 1955, and RCW 28.56.050 are each amended to read as follows:

Within sixty days after receipt of the notice of approval from the county superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise.

Bond, excess
levy, elections
—Use of pro-
ceeds.

SEC. 7. Section 6, chapter 229, Laws of 1953 as amended by section 6, chapter 344, Laws of 1955, and RCW 28.56.060 are each amended to read as follows:

RCW 28.56.060
amended.

In the event that a proposal or proposals for providing capital funds as aforesaid is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school or union high school under the provisions of RCW 28.58-.230, following the close of the school year during which the second election is held: *Provided*, That in any such case the county committee shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: *Provided further*, That pending such determination by the county

Rejection by
voters—Ad-
ditional elec-
tion—Annex-
ation proposal.

committee and action thereon as required by law the board of directors of the high school or union high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a county committee shall be subject to the procedural requirements of this amendatory act respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the county superintendent shall make an order establishing the annexation.

RCW 28.56.070 amended.

SEC. 8. Section 7, chapter 229, Laws of 1953 as amended by section 7, chapter 344, Laws of 1955, and RCW 28.56.070 are each amended to read as follows:

Inaction may initiate annexation proceedings.

In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in sections 6 and 7 of this amendatory act, the county committee may initiate a proposal for annexation of such nonhigh school district as provided for in section 7 of this amendatory act.

New section.

SEC. 9. There is added to chapter 28.56 RCW a new section to read as follows:

Tax levy or bond issue, time of.

If the voters of a nonhigh school district approve an excess tax levy, the levy shall be made at the earliest time permitted by law. If the voters of a nonhigh school district approve the issuance of bonds, the board of directors of the nonhigh school district shall issue and sell said bonds within ninety days after receiving a copy of a resolution of the board of directors of the high school district that the high school district is ready to proceed with the construction of the high school facilities provided for in the plan and requesting the sale of the bonds.

SEC. 10. Sections 8 through 16, chapter 344, Laws of 1955 and RCW 28.56.080 through 28.56.160 are each repealed. Repeal.

SEC. 11. There is added to chapter 28.56 RCW a new section to read as follows: New section.

All proceedings had and taken under chapter 344, Laws of 1955, shall be valid and binding although not in compliance with that act if said proceedings comply with the requirements of this amendatory act. Validation.

Passed the House March 3, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1957.

CHAPTER 263.

[H. B. 430.]

FEES OF PUBLIC OFFICERS.

AN ACT relating to fees of public officers; amending section 1, chapter 70, Laws of 1937, as last amended by section 1, chapter 198, Laws of 1957, and RCW 23.60.010; amending section 4, chapter 19, Laws of 1913, as last amended by section 1, chapter 214, Laws of 1953, and RCW 23.86.070; amending section 13, chapter 134, Laws of 1907, as last amended by section 1, chapter 122, Laws of 1943, and RCW 24.04.130; amending section 28, chapter 70, Laws of 1937 and RCW 23.60.170; amending and enacting RCW 43.07.120; amending section 4, chapter 51, Laws of 1951, as last amended by section 2, chapter 214, Laws of 1953, and RCW 36.18.010; amending and enacting RCW 36.18.030; amending section 6, chapter 51, Laws of 1951 and RCW 36.18.040; amending section 4, chapter 187, Laws of 1919 and RCW 12-40.040; adding a new section to chapter 36.18 RCW; amending section 2, chapter 98, Laws of 1899, as last amended by section 3, chapter 214, Laws of 1953, and RCW 61.04.030; amending section 8, chapter 98, Laws of 1899, as last amended by section 4, chapter 214, Laws of 1953, and RCW 61.16.040; enacting RCW 3.16.100; and repealing section 4, chapter 126, Laws of 1913, section 2, chapter 178, Laws of 1939, section 3, chapter 69, Laws of 1943 and RCW 2.32-.320.

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

RCW 23.60.010
amended.

SECTION 1. Section 1, chapter 70, Laws of 1937, as last amended by section 1, chapter 198, Laws of 1957, and RCW 23.60.010 are each amended to read as follows:

Filing fees
~~Articles~~
Amendments
~~Domestic.~~

Every domestic corporation, except one for which existing law provides a different fee schedule, shall pay for the filing of its articles of incorporation a fee of fifty dollars for the first fifty thousand dollars or less, of its authorized capital stock; and one-tenth of one percent additional on all amounts in excess of fifty thousand dollars and not exceeding one million dollars; one twenty-fifth of one percent additional on all amounts in excess of one million dollars, and not exceeding four million dollars; and one-fiftieth of one percent additional on all amounts in excess of four million dollars; but in no case shall the amount exceed five thousand dollars.

Every domestic corporation, except one for which existing law provides a different fee schedule, desiring to file in the office of the secretary of state, articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees hereinabove in this section provided, in proportion to such increased capital stock upon the actual amount of such increase, and every such corporation desiring to file other amendatory or supplemental articles shall pay to the secretary of state a fee of ten dollars.

For filing the articles of incorporation the county auditor shall charge the sum of two dollars. For filing any amendment the county auditor shall charge the sum of one dollar.

RCW 23.86.070
amended.

SEC. 2. Section 4, chapter 19, Laws of 1913, as last amended by section 1, chapter 214, Laws of 1953,

and RCW 23.86.070 are each amended to read as follows:

For filing articles of association organized under this chapter there shall be paid to the secretary of state the sum of twenty-five dollars and for filing of an amendment thereof the sum of ten dollars. For filing the articles of association the county auditor shall charge the sum of two dollars. For filing any amendment the county auditor shall charge the sum of one dollar. Associations organized under this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Cooperatives.
Filing fees.

SEC. 3. Section 13, chapter 134, Laws of 1907, as last amended by section 1, chapter 122, Laws of 1943, and RCW 24.04.130 are each amended to read as follows:

RCW 24.04.130
amended.

All corporations formed under the provisions of this chapter shall pay to the secretary of state, the sum of twenty-five dollars for filing the articles of incorporation, and for the filing of any amendment thereof, the sum of ten dollars. For filing the articles of incorporation, the county auditor shall charge the sum of two dollars. For filing any amendment the county auditor shall charge the sum of one dollar. Corporations organized under this chapter shall not be subject to any corporation license fees excepting fees hereinabove enumerated.

Fees for filing
and recording
—License
fees.

SEC. 4. Section 28, chapter 70, Laws of 1937 and RCW 23.60.170 are each amended to read as follows:

RCW 23.60.170
amended.

There shall be no charge for recording any of the documents mentioned in this act or for making or certifying to copies of same other than the fees in this act prescribed, unless the document to be recorded or the copy to be certified shall exceed ten pages, in which case there shall be a further charge of twenty-five cents per page for all such excess.

Recording
fees.

RCW 43.07.120 amended.

SEC. 5. RCW 43.07.120 is amended and enacted to read as follows:

Secretary of State. Fees.

The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, judge of the supreme court or of a superior court, shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance.

RCW 36.18.010 amended.

SEC. 6. Section 4, chapter 51, Laws of 1951, as last amended by section 2, chapter 214, Laws of 1953, and RCW 36.18.010 are each amended to read as follows:

Auditor's (county) fees.

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, condi-

tional sale contract, or miscellaneous instrument, one dollar; Auditor's
(county) fees.

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar: *Provided*, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments; for the first page, legal size (eight and one-half by thirteen inches or less), two dollars; for each additional legal size page, one dollar; for indexing each name over two, ten cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, five dollars, (this fee includes taking necessary affidavits, filing returns and indexing);

For searching records per hour, four dollars;

For recording plats, twenty-five cents for each lot except cemetery plats for which the charge shall be ten cents per lot; also one dollar for each acknowledgement, dedication, and description: *Provided*, That there shall be a minimum fee of fifteen dollars per plat;

For filing of miscellaneous records, not listed above, two dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, twenty-five cents;

For recording of miscellaneous records, not listed above, for first legal size page, two dollars; for each additional legal size page, one dollar.

RCW 36.18.030
amended.

SEC. 7. RCW 36.18.030 is amended and enacted to read as follows:

Coroner's
fees.

Coroners shall collect for their official services, the following fees:

For each inquest held, besides mileage, twenty dollars.

For issuing a venire, two dollars.

For drawing all necessary writings, two dollars for first page and one dollar for each page thereafter.

For mileage each way, per mile, ten cents.

For performing the duties of a sheriff, he shall receive the same fees as a sheriff would receive for the same service.

RCW 36.18.040
amended.

SEC. 8. Section 6, chapter 51, Laws of 1951 and RCW 36.18.040 are each amended to read as follows:

Sheriff's
fees.

Sheriffs shall collect the following fees for their official services: For service of each summons and complaint, and return thereon, on each defendant, besides mileage, two dollars;

For making a return of "not found" in the county upon a summons, besides mileage actually traveled two dollars;

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, three dollars;

For filing copy of writ of attachment or writ of execution with auditor, two dollars plus auditor's filing fee;

For chattel mortgage foreclosure (short form), levy three dollars; posting notice, two dollars; service of notice, two dollars;

For serving writ of possession or restitution without aid of the county, besides mileage, three dollars;

For serving writ of possession or restitution with aid of the county, besides mileage, five dollars;

For service and return of subpoena, upon each person served, besides mileage, one dollar; ^{Sheriff's fees.}

For summoning each juror, besides mileage, one dollar;

For serving an arrest warrant in any action or proceeding, besides mileage, four dollars;

For serving or executing any other writ or process in a civil action or proceeding, besides mileage, two dollars;

For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, two dollars;

For each mile actually and necessarily traveled by him in going to or returning from any place of service, or attempted service, ten cents;

For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, six dollars;

For making copies of papers when sufficient copies are not furnished, two dollars for first page and one dollar per each additional page;

For the service of any process for which no other fee is provided for herein, two dollars;

For the making of any return for which no other fee is provided herein, two dollars;

For the execution of any process for which no other fee is provided herein, four dollars;

For the service of affidavit and bond in replevin, two dollars for each defendant; approval of bond, two dollars; taking property, two dollars;

For posting notices of sale, or postponement, two dollars besides mileage;

For certificate of sale of real property, five dollars;

For serving notice of redemption, two dollars; certificate of redemption, five dollars;

For making a return of no property found, two dollars;

For estray sales, crying sale two dollars, besides mileage.

RCW 12.40.040 amended.

SEC. 9. Section 4, chapter 187, Laws of 1919 and RCW 12.40.040 are each amended to read as follows:

Service of notice of claim—Fee.

Said notice of claim shall be served as provided for the service of summons or complaint and notice in civil actions, but no other paper is to be served with the notice. The officer serving such notice shall be entitled to receive from the plaintiff, besides mileage, one dollar for such service; which sum, together with the fee of the justice of the peace named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

New section.

SEC. 10. There is added to chapter 36.18 RCW a new section to read as follows:

Treasurer's (county) fees.

County treasurers shall collect the following fees for their official services:

For preparing and certifying copies, with or without seal for the first legal size page, two dollars, for each additional legal size page, one dollar.

RCW 61.04.030 amended.

SEC. 11. Section 2, chapter 98, Laws of 1899, as last amended by section 3, chapter 214, Laws of 1953, and RCW 61.04.030 are each amended to read as follows:

Mortgages, trust receipts. Record of filing—Indexing—Fees.

Upon receipt of a chattel mortgage, the auditor or secretary of state shall, upon payment of the proper fees therefor, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of his county or of the state, as the case may be, with an alphabetical index thereto, used exclusively for that purpose, ruled into separate columns with appropriate heads: "The time of filing"; "Name of mortgagor"; "Name of mortgagee"; "Date of instrument"; "Amount secured"; "When due"; and "Date

of release." An index to the book shall be kept in the manner required for indexing deeds to real estate. The auditor and secretary of state shall each receive two dollars for each instrument so filed and the money so collected shall be accounted for as other fees of his office. In addition an assignment of chattel mortgage shall be construed as a separate instrument whether or not attached to the chattel mortgage. The auditor or secretary of state shall each receive one dollar for filing an assignment, modification, transfer or correction and the fees so received shall be accounted for in the same manner as money received for filing of the chattel mortgages. Such instruments shall remain on file for the inspection of the public.

SEC. 12. Section 8, chapter 98, Laws of 1899, as last amended by section 4, chapter 214, Laws of 1953, and RCW 61.16.040 are each amended to read as follows:

RCW 61.16.040
amended.

Whenever any mortgage or contract of conditional sale of personal property, or lease thereof, which was filed or recorded with the county auditor or secretary of state, is paid, or the conditions thereof satisfied, the mortgagee or vendor or his assignee or personal representatives, shall make to the mortgagor or vendee, his assignee or personal representatives, a certificate signed and acknowledged by him, stating the date of the mortgage or contract, the names of the parties thereto, the auditor's or the secretary's file thereof, and that it has been discharged in full, and shall file or record the certificate with the officer with whom the mortgage or contract is filed. The officer shall deliver the mortgage or contract to the person producing the certificate and shall file it in his office, endorsing thereon the date of filing, and shall keep and preserve it among the records in his office, and shall write the word "satisfied" with the date opposite the mortgage or

Real estate,
chattel mort-
gages. Certifi-
cate of
satisfaction.

contract, in the index in which such mortgage or contract is entered under the heading "release." The secretary of state shall be paid a fee of one dollar for each release or satisfaction of a chattel mortgage filed with him. Said fee shall be paid at the time of filing the chattel mortgage and no charge shall be made when the release is filed.

RCW 3.16.100 enacted.

SEC. 13. RCW 3.16.100 is enacted to read as follows:

Constables' fees.

For serving any arrest warrant in a criminal action, or making an arrest in cases where an arrest may be lawfully made without a warrant, besides mileage, two dollars.

For other services he shall receive the same fees and mileage as is paid to a sheriff for like services.

Repeal.

SEC. 14. Section 4, chapter 126, Laws of 1913, section 2, chapter 178, Laws of 1939, section 3, chapter 69, Laws of 1943 and RCW 2.32.320 are each repealed.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 264.

[H. B. 663.]

STATE SCHOOL EQUALIZATION FUND.

AN ACT relating to the state school equalization fund; amending section 1, chapter 226, Laws of 1937 and RCW 28.47.010; and declaring an emergency with the effective date April 1, 1959.

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

RCW 28.47.010 amended.

SECTION 1. Section 1, chapter 226, Laws of 1937 and RCW 28.47.010 are each amended to read as follows:

There is created a special state school fund to be known as the state school equalization fund, into which shall be deposited such funds as are directed by law to be placed therein. Any amounts in this fund in excess of current appropriations shall be transferred by the state treasurer to the general fund quarterly, on or before the twenty-fifth day of January, April, July and October of each year, commencing with April, 1959. From and after the twenty-fifth day of April, 1959, all appropriations made by the thirty-fifth legislature from the state school equalization fund shall be paid out of moneys in the general fund of the state. From and after the twenty-fifth day of April, 1959, all warrants drawn on the state school equalization fund and not theretofore presented for payment shall be paid from the general fund of the state.

State school
equalization
fund.

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 April 1, 1959.

Emergency.

Passed the House March 7, 1959.

Passed the Senate March 11, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 265.

[Sub. H. B. 48.]

PUBLIC UTILITY DISTRICTS OF THE FIRST CLASS.

AN ACT relating to public utility districts; adding a new chapter to Title 54 RCW; amending section 4, chapter 1, Laws of 1931, as amended by section 4, chapter 245, Laws of 1941 and RCW 54.12.010 and adding a new section to chapter 54.12 RCW.

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

New chapter. SECTION 1. There is added to Title 54 RCW a new chapter as set forth in sections 2 through 8 of this amendatory act of 1959.

First class PUD defined. SEC. 2. A public utility district of the first class is a district which shall have a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than three hundred and twenty-five million dollars, including interest during construction, and which shall have received the approval of the voters of the district to become a first class district as provided herein.

Qualifications, existing district. SEC. 3. Every public utility district which on the effective date of this amendatory act of 1959 shall be in existence and have such a license shall be qualified to become a first class district upon approval of the voters of said district.

Procedure to become first class PUD. Transmittals to auditor. SEC. 4. Within five days after a public utility district shall receive a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than three hundred and twenty-five million dollars, including interest during construction, or, in the case of a district which on the effective date of this amendatory act of 1959 is in existence and has such a license within five days of the effective date of this act the district shall forward a true copy of said license accompanied by a true copy of the application for such license, both

certified by the secretary of the district, to the county auditor of the county wherein said district is located.

SEC. 5. A public utility district having a license which entitles it to become a first class district shall be so classified only by approval of the qualified voters of the district. Such approval shall be by an election upon petition as hereinafter provided. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot in substantially the following terms:

Voter approval—
Ballot form,
vote, required.

Shall Public Utility District No. be reclassified a First Class District for the purpose of increasing the number of commissioners to five.....YES

Shall Public Utility District No. be reclassified a First Class District for the purpose of increasing the number of commissioners to five.....NO

Should a majority of the voters voting on the question approve the proposition, the district shall be declared a first class district upon the completion of the canvass of the election returns.

SEC. 6. The question of reclassification of a public utility district as a first class public utility district shall be submitted to the voters only upon filing a petition with the county auditor of the county in which said district is located, identifying the district by number and praying that an election be held to determine whether it shall become a first class district. The petition must be signed by a number of qualified voters of the district equal to at least ten percent of the number of voters in the district who voted at the last general election. In addition to the signature of the voter, the petition must indicate each signer's residence address and further indicate whether he is registered in a precinct in an unincorporated area or a precinct in an incorporated

—Election for reclassification—
Petition for—
Certificate of sufficiency—
Date—Notice of.

area and if the latter, give the name of the city or town wherein he is registered. Said petition shall be presented to the county auditor for verification of the validity of the signatures. Within thirty days after receipt of the petition, the county auditor, in conjunction with the city clerks of the incorporated areas in which any signer is registered, shall determine the sufficiency of the petition. If the petition is found insufficient, the person who filed the same shall be notified by mail and he shall have an additional fifteen days from the date of mailing such notice within which to submit additional signatures, and the county auditor shall have an additional thirty days after the submission of such additional signatures to determine the validity of the entire petition. No signature may be withdrawn after the petition has been filed. If the petition, including these additional signatures if any, is found sufficient, the county auditor shall certify such fact to the public utility district and if the commissioners of the public utility district have theretofore certified to the county auditor the eligibility of the district for reclassification as provided in this act, the county auditor shall submit to the voters of the district the question of whether the district shall become a first class district. Such election shall be held on a date fixed by the county auditor which date shall be not more than one hundred twenty days after the date on which he certified the sufficiency of the petition. Notice of any election on the question shall be given in the manner prescribed for notice of an election on the formation of a public utility district.

Subdivision
into at large
districts.

SEC. 7. If the reclassification to a first class district is approved by the voters, the board of county commissioners within ten days after the results of said election are certified shall divide the public utility district into two districts of as nearly equal

population and area as possible, and shall designate such districts as At Large District A and At Large District B.

SEC. 8. Within thirty days after the county commissioners shall divide the district into two at large districts, the commissioners of such public utility district shall appoint one commissioner from each at large district, one to serve until the next general biennial election and one to serve until the next succeeding biennial general election. At the time of said appointments, the commissioners shall designate which new appointee shall hold the longer term.

Appointing commissioners, at large districts—Terms.

SEC. 9. Section 4, chapter 1, Laws of 1931 as amended by section 4, chapter 245, Laws of 1941, and RCW 54.12.010 are each amended to read as follows:

RCW 54.12.010 amended.

Within five days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the election board shall so declare in its canvass of the returns of such election and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members in districts of the second class, and five members in districts of the first class. In all public utility districts one commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located, when the public utility district is coextensive with the limits of such county. When the public utility district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries,

Commissioners —Election—Term—District boundaries change, etc.

PUD Com-
missioners—
Election—
Term—District
boundaries
change, etc.

following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, and one commissioner shall be elected from each of said commissioner districts. In all districts of the first class an additional commissioner at large shall be chosen from each at large district. No person shall be eligible to hold the office of public utility district commissioner unless he is a qualified voter and a free holder within such public utility district, except as hereinafter provided, of the public utility district and of the commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed from the first day of December following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each biennial general election for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

In any public utility district hereafter formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two 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.

PUD Com-
missioners—
Election—
Term—District
boundaries
change, etc.

No election of commissioners in any public utility district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1942, at which time and thereafter such elections shall be held as herein provided. At said general election, there shall be elected two public utility district commissioners in each public utility district, one for a term of four years commencing December 1, 1942, in such commissioner district where the public utility district commissioner resides whose successor, but for this act [1941 c 245], would be elected on the second Saturday in December, 1941, and one for a term commencing on the second Monday in January, 1943, and expiring December 1, 1948, in such commissioner district where the utility district commissioner resides whose successor, but for this act [1941 c 245], would be elected on the second Saturday in December, 1942; and at the general election to be held on the first Tuesday following the first Monday in November, 1944, there shall be elected one public utility district commissioner for a term of six years commencing December 1, 1944, in such commissioner district of each such utility district where the commissioner resides whose successor, but for this act [1941 c 245], would be elected on the second Saturday in December, 1943.

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

All expenses of elections for the formation of such public utility districts shall be paid by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be re-

PUD Com-
missioners—
Election—
Term—District
boundaries
change, etc.

paid to such county by the public utility district, if formed. Nominations for public utility district commissioners shall be by petition signed by one hundred qualified electors of the public utility district to be filed in the office of the county auditor not more than sixty days, and not less than forty-five days prior to the day of such election: *Provided, however,* That in any public utility district having a population of less than four thousand, such nominating petition shall be signed by a number of qualified electors equaling ten percent or more of the qualified electors of the public utility district. The petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the district; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a district of the second class, or more than two in a district of the first class, a special election shall be called by the county election board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the trans-

action of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the commissioners' districts shall not be changed oftener than once in four years, and only when all members of the commission are present: *Provided*, That any proposed change therein must be made by resolution and notice of the time of a public hearing thereon shall be published for two weeks prior thereto: *And provided further*, That upon a referendum petition signed by six percent of the qualified voters of the public utility district being filed with the clerk, the commission shall submit such proposed change to the voters of the public utility district for their approval or rejection. The checking of said petition as to its sufficiency or insufficiency shall be governed by the provisions in this act relating thereto.

SEC. 10. There is added to chapter 54.12 RCW a New section. new section to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. Commissioner's oath of office.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 266.

[H. B. 219.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation; amending section 44, chapter 35, Laws of 1945, as amended by section 8, chapter 214, Laws of 1949 and RCW 50.12.050; amending section 57, chapter 35, Laws of 1945 and RCW 50.12.180; reenacting section 68, chapter 35, Laws of 1945, section 9, chapter 214, Laws of 1949, section 9, chapter 265, Laws of 1951, section 7, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.010; amending section 84, chapter 35, Laws of 1945, as last amended by section 13, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.160; amending section 100, chapter 35, Laws of 1945, as amended by section 17, chapter 8, Laws of 1953 first extraordinary session and RCW 50.24.120; reenacting section 104, chapter 35, Laws of 1945, section 8, chapter 265, Laws of 1951 and RCW 50.24.160; amending section 119, chapter 35, Laws of 1945, as amended by section 23, chapter 214, Laws of 1949 and RCW 50.32.030; adding a new section to chapter 35, Laws of 1945, and chapter 50.04 RCW; and repealing sections 9 and 11, chapter 215, Laws of 1951 (uncodified).

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

RCW 50.12.050 amended.

SECTION 1. Section 44, chapter 35, Laws of 1945, as amended by section 8, chapter 214, Laws of 1949 and RCW 50.12.050 are each amended to read as follows:

Administration. 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.

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".

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 this title or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the commissioner as being fair and reasonable to all affected interests, 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
benefit
arrangements.

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 employment security department 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.

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.

RCW 50.12.180
amended.

SEC. 2. Section 57, chapter 35, Laws of 1945 and RCW 50.12.180 are each amended to read as follows:

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 title 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 title the commissioner shall cooperate to the fullest extent consistent with the provisions of this title, 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 title, and

furnish such copies thereof, at the expense of the board, as it may deem necessary for its purposes.

State-federal
cooperation.

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 title. The commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

The governor is 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.

The commissioner is also authorized and empowered to take such steps, not inconsistent with law, as may be necessary for the purpose of procuring for the people of this state all of the benefits and assistance, financial and otherwise, provided, or to be provided for, by or pursuant to any act of congress relating to the employment security program.

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 title.

RCW 50.20.010
reenacted.

SEC. 3. Section 11, chapter 215, Laws of 1951 (uncodified) is repealed; and section 68, chapter 35, Laws of 1945, section 9, chapter 214, Laws of 1949, section 9, chapter 265, Laws of 1951, section 7, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.010 are reenacted to read as follows:

Benefits and
claims. Bene-
fit eligibility
conditions.

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week only if the commissioner finds that

(1) 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 title;

(2) 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 title;

(3) 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 pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents;

(4) he has been unemployed for a waiting period of one week; and

(5) he has within the base year been paid wages of not less than the minimum amount now or hereafter fixed by law as the minimum amount to be earned in order to allow the individual to receive unemployment benefits.

SEC. 4. Section 84, chapter 35, Laws of 1945, as last amended by section 13, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.160 are each amended to read as follows:

RCW 50.20.160
amended.

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and RCW 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: *Provided*, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

Redetermina-
tion.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: *Provided*, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: *Provided*, That the commissioner may redetermine such allowance at any time within two

years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: *And provided further*, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010 (3), or the provisions of RCW 50.20.050, RCW 50.20.060, RCW 50.20.080, or RCW 50.20.090 has become final.

(4) A redetermination may be made at any time to conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits. Written notice of any such determination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

RCW 50.24.120
amended.

SEC. 5. Section 100, chapter 35, Laws of 1945, as amended by section 17, chapter 8, Laws of 1953 first extraordinary session and RCW 50.24.120 are each amended to read as follows:

Contributions
by employers.
Collection by
civil action.

(1) 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, and the employer adjudged in default shall pay the cost of such action. Any lien created by this title may be foreclosed by decree of the court in any such action. Civil actions brought under this title to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be en-

titled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this title and cases arising under the industrial insurance laws of this state.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any action under this title. In instituting such an action against any such employing unit the commissioner shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state: *Provided*, That the commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such action is pending.

(3) The courts of this state shall in the manner provided in subsections (1) and (2) of this section entertain actions to collect contributions or interest thereon for which liability has accrued under the employment security law of any other state or of the federal government.

SEC. 6. Section 9, chapter 215, Laws of 1951 (uncodified) is repealed; and section 104, chapter 35, Laws of 1945, section 8, chapter 265, Laws of 1951 and RCW 50.24.160 are reenacted to read as follows:

Repeal.

RCW 50.24.160
reenacted.

Election of coverage.

Any employing unit for which services that do not constitute employment as defined in this title are performed, or this state or any political subdivisions thereof or any instrumentality of this state or its political subdivisions, 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 title 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 title from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for termination of coverage.

RCW 50.32.030 amended.

SEC. 7. Section 119, chapter 35, Laws of 1945, as amended by section 23, chapter 214, Laws of 1949 and RCW 50.32.030 are each amended to read as follows:

Review, hearings, appeals. 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 employment security department. 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 title 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 title, upon the property of the employer. The filing of a petition on a disputed assessment shall stay the accrual of interest on the disputed contributions until a final decision shall have been made thereon.

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. 8. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

New section.

Wherever and whenever in any of the sections of chapter 35, Laws of 1945, and of Title 50.04 RCW, the words "contribution" and/or "contributions" appear, said words shall be construed to mean taxes which are the money payments required by this title to be made to the state unemployment compensation fund.

"Contribution," "Contributions" defined.

Construction,
section 8.

SEC. 9. The provisions of section 8 of this amendatory act shall be construed as a restatement and continuation of existing law, and not as a new enactment. It shall not be construed as affecting any existing right acquired under its provisions nor as affecting any proceeding instituted thereunder.

Passed the House March 11, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 267.

[H. B. 362.]

GARNISHMENT—SERVICE OF WRIT.

AN ACT relating to service and return of writs of garnishment, and amending section 1, chapter 44, Laws of 1933 extraordinary session and RCW 7.32.120.

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

RCW 7.32.120
amended.

SECTION 1. Section 1, chapter 44, Laws of 1933 extraordinary session and RCW 7.32.120 are each amended to read as follows:

Service of
writ generally
—Return.

The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or savings and loan association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer of such bank or association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is

carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time, place and manner of service and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service and the time, place and manner of making service, but no fee shall be allowed for the service of such writ unless the same is served by an officer.

Passed the House February 27, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 268.

[H. B. 415.]

SCHOOL DISTRICTS—REORGANIZATION.

AN ACT relating to school districts; providing for changes in the organization and extent of school districts and for adjustments of assets and liabilities of school districts; creating temporary committees on joint school district organization and defining their powers and duties; providing for the appointment and election of school directors in reorganized districts; amending section 13, chapter 266, Laws of 1947 as amended by section 2, chapter 395, Laws of 1955, and RCW 28.57.050; sections 16, 23, 24, 33 and 34, chapter 266, Laws of 1947 and RCW 28.57.180, 28.57.340, 28.57.350, 28.57.360 and 28.57.370; and adding eight new sections to chapter 28.57 RCW.

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

SECTION 1. There is added to chapter 28.57 RCW New section.
a new section to read as follows:

Committee proposals when transfer or annexation to union high school district.

Whenever a proposal of a county committee provides that all or any part of the territory of a component district of a union high school district shall be transferred, annexed, or otherwise made a part of an existing district or a new district to be established under the proposal, and whenever a proposal of the county committee provides that the territory of any school district shall be transferred, annexed, or otherwise made a part of a component district of a union high school district, the county committee shall also provide either in the aforesaid proposal or in a separate proposal for such changes in the organization and extent of the union high school district as the county committee may deem advisable under the standards prescribed in RCW 28.57.050. The powers of the county committee shall include, but are not limited to, the enlargement or reduction of the boundaries of the union high school district and the dissolution of the union high school district: *Provided*, That no union high school district shall contain less than the whole territory of any school district and every union high school district must contain the whole territory of at least two or more school districts. The proposal of the county committee shall also provide for such adjustments of the assets and liabilities, including bonded indebtedness, of component districts and union high school districts as it deems advisable under the standards prescribed in RCW 28.57.050.

RCW 28.57.050 amended.

SEC. 2. Section 13, chapter 266, Laws of 1947 as amended by section 2, chapter 395, Laws of 1955, and RCW 28.57.050 are each amended to read as follows:

Powers and duties of committee.

The powers and duties of the county committee shall be:

- (1) To initiate, on its own motion and whenever it deems such action advisable, proposals for changes in the organization and extent of school districts in

the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the county superintendent as provided for in this chapter; and to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state: *Provided*, That the committee shall prepare and submit to the state board within one and one-half years after April 1, 1955 a comprehensive plan for changes in the organization and extent of the school districts of the county, which plan may be submitted as a single unit or as separate units submitted from time to time and involving one or more school districts: *Provided further*, That if the county committee finds, after considering the factors listed in subsection (4) of this section, that no changes in the school district organization of the county are needed a report to this effect shall be submitted to the state board.

Powers and
duties of
committee.

(2) (a) To make among the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of school districts an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, of all districts involved or affected; and (b) to make among all of the school districts involved in or affected by any change heretofore or hereafter effected, an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of

Powers and
duties of
committee.

school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the county superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three of the most public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on the schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing.

(4) To give due consideration in the preparation of plans and terms of adjustment as aforesaid

(a) to equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (b) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (c) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (d) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (e) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction, facilities, equipment, materials, libraries, and health and other services; (f) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: *Provided*, That a nonhigh school district may be excluded from a plan if such district is found by the county committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (g) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (h) to any

Powers and
duties of
committee.

Powers and
duties of
committee.

other matters which in the judgment of the committee are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

(5) To prepare and submit, along with the submission of the proposals designated in subsection (1) of this section, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both; a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request.

(6) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: *Provided*, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board shall be divided into directors' districts unless a majority of the voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(7) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries

of any of the directors' districts of any school district heretofore or hereafter so divided except a district of the third class: *Provided*, That a petition therefor, shall be required for a rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least five heads of families residing in the aforesaid school district, and shall be presented to the county superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on the schoolhouse door of the district and at the place of holding the hearing.

(8) To prepare and submit to the superintendent of public instruction, upon his request, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

SEC. 3. There is added to chapter 28.57 RCW a New section. new section to read as follows:

The board of directors of every first and second class school district containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts.

Proposition for director districts, certain first, second class districts.

New section.

SEC. 4. There is added to chapter 28.57 RCW a new section to read as follows:

—Accompanying proposition for new district.

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class and will contain a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts.

New section.

SEC. 5. There is added to chapter 28.57 RCW a new section to read as follows:

Joint district disputes, remedial procedure—Committee created.

Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee of either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is situated. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, the

temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of chapter 28.57 RCW and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the county superintendent of schools under the provisions of chapter 28.57 RCW. It shall be the duty of the county superintendents of the counties in which the joint district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

SEC. 6. Section 23, chapter 266, Laws of 1947 and RCW 28.57.340 are each amended to read as follows:

RCW 28.57.340 amended.

Upon the establishment of a new school district which contains a city having a population of more than seven thousand and which is not divided into director districts, the board of directors of the old district comprising such city shall become the board of the new district and each member thereof shall serve for the term for which he was elected: *Provided*, That if three directors constitute the board of any such old district, two additional directors shall be appointed for the new district in the manner provided by law for filling a vacancy on the board of a district of the class to which such new district belongs. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years.

Number of terms of directors in reorganized city districts.

Upon the establishment of a new school district which is not divided into directors' districts and which includes two or more old districts each of which contains a city having a population of more than seven thousand, all of the directors of the old districts shall constitute the board of directors of the new district until the next regular school election in said district and until their successors are elected and qualified, at which election there shall be elected five directors, two for a term of two years and three for a term of four years.

In case any new school district established through the incorporation of a city or through the uniting of two or more cities or towns, pursuant to the provisions of RCW 28.57.150, contains a city having a population of more than seven thousand and is not divided into directors' districts, all of the directors of the old districts included in the new district so established shall constitute the board of directors of the new district and shall serve until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected five directors, two for a term of two years and three for a term of four years.

RCW 28.57.350 amended.

SEC. 7. Section 24, chapter 266, Laws of 1947 and RCW 28.57.350 are each amended to read as follows:

Districts divided into director districts—
Terms, powers, duties of directors.

The directors of old school districts who reside within the limits of a new school district that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the county superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: *Provided*, That if one or more of the directors' districts of the new school district has no such director residing therein, the county superintendent shall appoint the number of additional

directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same school directors' district.

Upon the establishment of a new school district of the third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the county superintendent and elect from among their number three directors for said new district: *Provided*, That if fewer than three such directors reside in such new school district, they shall become directors of said district, and the county superintendent shall appoint the number of additional directors required to constitute a board of three directors for the district.

Each board of directors constituted as provided for in this section shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of directors of other districts of the same class until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected the number of directors (either five directors or three directors) heretofore in this section required to constitute the board of the district. When five directors constitute the board, one shall be elected from among the residents of each of the five directors' districts of the school district by the electors of the entire school district, two such directors for a term of two years and three for a term of four years; when three directors constitute the board, they shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years.

SEC. 8. Section 33, chapter 266, Laws of 1947 and RCW 28.57.360 are each amended to read as follows:

RCW 28.57.360
amended.

If at any time after this act takes effect three directors constitute the board of directors of any school

Increase in number (directors), how effected.

district for which a board of five directors is required by law, except a district divided into school directors' districts, the three directors of such school district shall continue to serve for the terms for which they were elected; two additional directors shall be appointed for the district in the manner provided by law for filling a vacancy on the board of other districts of the same class; and the aforesaid five directors shall thereafter constitute the board of directors of the district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years.

RCW 28.57.370 amended.

SEC. 9. Section 34, chapter 266, Laws of 1947 and RCW 28.57.370 are each amended to read as follows:

Succession when directors' districts created in existing districts.

Whenever any school district other than a newly established school district is divided into directors' districts by the county committee in the discharge of its duties hereunder, the directors thereof shall continue to serve for the terms for which they were elected, unless two or more such directors reside in the same directors' district, in which event the director who shall continue to serve shall be determined by lot. The county superintendent shall then appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same directors' district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected for the unexpired terms of those who were removed from office by virtue of this section or for four year terms in case no unexpired terms exist.

SEC. 10. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

In any school district in which all of the directors of the district were elected for a term of four years at the regular school election held in 1956, the directors shall be elected as follows at the regular school election in 1960: In school districts with three directors, one director shall be elected for a term of two years and two directors for a term of four years, and in school districts with five directors, two directors for a term of two years and three directors for a term of four years. The directors so elected shall serve until their successors are elected and qualified.

Certain staggered terms set for 1960 election.

SEC. 11. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

Whenever the directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the board of directors of the district shall, prior to the date set by law for filing a declaration of candidacy for the office of director, determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. Each candidate shall indicate on his declaration of candidacy the directors' district from which he seeks to be elected.

Certain directors' terms determined by lot.

SEC. 12. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

Whenever the directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, each candidate shall indicate on his declaration of candidacy the term of years for which he seeks to be elected. The candidate receiving the largest number of votes for the two-year term and the candidate receiving the largest number of votes for the four-

Nondirectors' district term determination.

year term shall each be deemed elected; and if more than one director is to be elected for either or both of the two terms of office aforesaid, the candidate or candidates, as the case may be, receiving the next largest number of votes shall be deemed elected.

New section.

SEC. 13. There is added to chapter 28.57 RCW a new section to read as follows:

First class district, 6 year terms, staggered.

Whenever the provisions of this amendatory act require school directors to be elected at the regular school district election and the district affected is a first class school district which elects directors for a term of six years under the provisions of RCW 29.13.060 the directors shall be elected for such terms of office not in excess of six years as will cause the office of at least one director and no more than two directors to be up for election at each regular school district election held thereafter.

RCW 28.57.180 amended.

SEC. 14. Section 16, chapter 266, Laws of 1947, and RCW 28.57.180 are amended to read as follows:

Petition for transfer of territory—Superintendent's proposal for transfer.

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the county superintendent, in his capacity as secretary of the county committee, signed by a majority of the heads of families residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no family resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: *Provided*, That the county superintendent may, without being petitioned to do so, present to the county committee a proposal for the transfer from one school district to another of any territory

in which no children of school age reside: *Provided further*, That the county superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those voting in said election; and if such proposed transfer is disapproved by a majority vote of the voters of the entire district voting in an election called for that purpose, the state board of education shall review such case and determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decided in the negative, it may thereupon withhold from such district, in whole or in part, state contributed funds.

Superintendent's proposal for transfer.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 269.

[H. B. 647.]

APPROPRIATION—SCHOOL DISTRICTS DEFICIENCIES.

AN ACT making an appropriation to defray the anticipated deficiency in appropriations for the support of the public schools for the fiscal biennium July 1, 1957 to June 30, 1959 or so much thereof as shall be sufficient; and declaring that this act shall take effect immediately.

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

Appropriation,
deficiency.

SECTION 1. There is hereby appropriated to the superintendent of public instruction out of the current school fund for apportionment to counties for school districts one million six hundred fifty-five thousand five hundred and thirty-one dollars, or so much thereof as may be necessary for the purpose of defraying deficiencies incurred or anticipated for the fiscal biennium July 1, 1957 to June 30, 1959: *Provided*, That no part of this appropriation may be used to implement or supplement any change in regulation by the board of education.

Emergency.

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, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 270.

[H. B. 260.]

CIGARETTE TAX.

AN ACT relating to certain excise taxes on cigarettes; and amending section 82, chapter 180, Laws of 1935 as last amended by section 2, chapter 240, Laws of 1953, and RCW 82.24.020 through 82.24.080; and amending section 83, chapter 180, Laws of 1935, as amended by section 14, chapter 228, Laws of 1949, and RCW 82.24.010.

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

SECTION 1. Section 82, chapter 180, Laws of 1935, as last amended by section 2, chapter 240, Laws of 1953 (heretofore divided and codified as RCW 82.24.020, 82.24.030, 82.24.040, 82.24.050, 82.24.060, 82.24.070 and 82.24.080) is divided and amended as set forth in sections 2 through 8 of this act.

SEC. 2. (RCW 82.24.020) There is levied, and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette.

RCW 82.24.020
amended.
Tax imposed
—Rate.

SEC. 3. (RCW 82.24.030) In order to enforce collection of the tax hereby levied, the tax commission shall design and have printed stamps of such size and denominations as may be determined by the commission, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the commission to readily ascertain by inspection, whether or not such tax has been paid. Every person shall cause to be affixed on every package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon before he sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: *Provided*, That where it is established to the satisfaction of the commission that

RCW 82.24.030
enacted
without
amendment.

it is impractical to affix such stamps to the smallest container or package, the commission may authorize the affixing of stamps of appropriate denomination to a large container or package.

The commission may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules and regulations with respect thereto.

RCW 82.24.040
enacted
without
amendment.

SEC. 4. (RCW 82.24.040) Every wholesaler in this state shall immediately, after receipt of any of the articles taxed herein cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: *Provided*, That any wholesaler engaged in interstate business, who furnishes surety bond in the sum satisfactory to the commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this chapter. Such interstate stock shall be kept separate and apart from stamped stock: *Provided further*, That every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit such true duplicate invoice to the main office of the commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this chapter have not been affixed.

SEC. 5. (RCW 82.24.050) Every retailer shall, except as to those articles on which the tax has been

paid by the proper affixing of stamps by a wholesaler, as herein provided, affix the stamps for the denomination and amount necessary to represent the tax on each individual package or container, the same to be done, in all cases, immediately upon receipt by the retailer of the unstamped articles: *Provided*, That any retailer engaged in interstate business, who furnishes surety bond in a sum satisfactory to the commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this chapter. Such interstate stock shall be kept separate and apart from stamped stock: *Provided further*, That every retailer shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit said true duplicate invoice to the main office of the commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this chapter have not been affixed.

RCW 82.04.050
enacted
without
amendment.

SEC. 6. (RCW 82.24.060) Stamps shall be affixed in such manner that they cannot be removed from the package or container without being mutilated or destroyed, which stamps so affixed shall be evidence of the tax imposed.

RCW 82.24.060
enacted
without
amendment.

In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps shall be affixed securely on each individual package.

SEC. 7. (RCW 82.24.070) Wholesalers and retailers subject to the provisions of this chapter shall

RCW 82.24.070
enacted
without
amendment.

be allowed as compensation for their services in affixing the stamps herein required a sum equal to five percent of the value of the stamps purchased or affixed by them.

RCW 82.24.080
enacted
without
amendment.

SEC. 8. (RCW 82.24.080) It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein, sold, used, consumed, handled, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, or distributed in this state.

RCW 82.24.010
amended.

SEC. 9. Section 83, chapter 180, Laws of 1935, as amended by section 14, chapter 228, Laws of 1949, and RCW 82.24.010 are each amended to read as follows:

Definitions.

For the purposes of this chapter, unless otherwise required by the context:

"Wholesaler."

(1) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only;

"Retailer."

(2) "Retailer" means every person other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate;

"Retail selling price."

(3) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state;

"Cigarette."

(4) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or

shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state;

(5) "Stamp" means the stamp or stamps or meter impressions by use of which the tax levy under this chapter is paid; "Stamp."

(6) The meaning attributed, in chapter 82.04, to the words "person," "sale," "business" and "successor" shall apply equally in the provisions of this chapter. Miscellaneous.

Passed the House March 10, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 271.

[H. B. 261.]

SCHOOL PLANT FACILITIES—CIGARETTE TAX.

AN ACT relating to revenue and taxation and the providing of funds for the construction of public school plant facilities; and amending section 5, chapter 3, Laws of 1955 first extraordinary session and RCW 28.47.440.

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

SECTION 1. Section 5, chapter 3, Laws of 1955 first extraordinary session and RCW 28.47.440 are each amended to read as follows: RCW 28.47.440 amended.

In addition to the taxes levied by RCW 73.32.130 and 82.24.020, there is levied and shall be collected by the tax commission from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of 1955 emergency construction of school plant facilities.

Additional
tax on
cigarettes
imposed.

cigarettes in an amount equal to the rate of one-half mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one-half of one percent of the value of the stamps for such additional tax purchased or affixed by them. Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb such additional tax and not pass it on to purchasers without being in violation of this or any other act relating to the sale or taxation of cigarettes.

Revenues derived from the tax imposed by this section shall be transmitted by the tax commission to the state treasurer in accordance with the provisions of RCW 82.32.320, to the credit of the public schools building bond redemption fund. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by RCW 28.47.420.

As additional security for the payment of the bonds herein authorized, all revenues derived from the tax imposed by RCW 82.24.020 over and above the amount required by RCW 73.32.130 to be paid into and retained in the war veterans' compensation bond retirement fund shall be paid into the public schools building bond redemption fund and shall be devoted exclusively to the payment of interest on and to retirement of the bonds authorized by RCW 28.47.420: *Provided*, That whenever the receipts into the public schools building bond redemption fund from all sources during any one year exceed two million two hundred and fifty thousand dollars, all sums received above that amount shall

be transferred by the state treasurer to the state general fund.

Passed the House March 4, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 272.

[H. B. 262.]

VETERANS' BONUSES—CIGARETTE TAX.

AN ACT relating to revenue and taxation and the providing of funds for the payment of certain veterans' bonuses; and amending section 9, chapter 180, Laws of 1949, as last amended by section 1, chapter 240, Laws of 1953, and RCW 73.32.130 and 73.32.140.

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

SECTION 1. Section 9, chapter 180, Laws of 1949, as last amended by section 1, chapter 240, Laws of 1953 (heretofore divided and codified as RCW 73.32.130 and 73.32.140) is divided and amended as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 73.32.130) For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the tax commission from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption,

RCW 73.32.130 amended.
Cigarette tax authorized—Segregation, transfer of funds from—Dealer's compensation.

handling or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund four million one hundred thousand dollars in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the general fund all money in excess of such amount.

RCW 73.32.140
enacted
without
amendment.

SEC. 3. (RCW 73.32.140) As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy the taxes upon cigarettes referred to in this section and to place the proceeds thereof in the war veterans' compensation bond retirement fund and to make said fund

available to meet said payments when due until all of said bonds and the interest thereon shall have been paid.

Passed the House March 4, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 273.

[H. B. 283.]

STATE INSTITUTIONAL INDUSTRIES FUND.

AN ACT relating to the department of institutions; establishing an institutional industries revolving fund under the custody of the state treasurer and the supervision of the director of institutions; procedures for the administration of such fund; amending section 1, chapter 370, Laws of 1955, as amended by section 6, chapter 115, Laws of 1957, and RCW 43.79.330; repealing sections 1, 3 and 4, chapter 115, Laws of 1957, section 41, chapter 7, Laws of 1921, and RCW 43.79.380, 43.79.382, 43.79.383 and 43.19.170; and adding five new sections to chapter 28, Laws of 1959, and chapter 72.60 RCW.

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

SECTION 1. There is added to chapter 28, Laws of 1959 and chapter 72.60 RCW a new section to read as follows:

New section.

There is hereby established under the supervision and control of the director of the department of institutions a fund to be known as the institutional industries revolving fund, which shall consist of all funds collected and all profits which shall hereafter accrue from the industrial and agricultural operations under the jurisdiction of the institutional industries commission, and such funds appropriated by the legislature from the state institutional revolving account of the state general fund to the institutional industries revolving fund created by this act.

Institutional industries revolving fund. Established.

The provisions of RCW 43.01.050 shall not be applicable to such fund, nor to any of the moneys received, collected or deposited in such fund.

New section.

SEC. 2. There is added to chapter 28, Laws of 1959 and chapter 72.60 RCW a new section to read as follows:

Fund custodian—Depositories for—Receipts deposited daily.

The institutional industries revolving fund shall be deposited by the state treasurer, who shall be the custodian of such fund, in such depository or depositories as may be authorized by law to accept state funds to the credit of a fund to be designated the institutional industries revolving fund, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes as set forth in section 3 of this act and chapter 72.60 RCW.

All moneys received by the director, or any employee, from the operation of the industrial or agricultural programs under the jurisdiction of the institutional industries commission, except an amount of petty cash for each day's needs as fixed by resolution of the institutional industries commission, shall be paid over by the director to the state treasurer each day, and as often during the day as advisable, who shall deposit the same forthwith as demand deposits to the credit of the institutional industries revolving fund in a depository or depositories selected by the state treasurer under the terms of this section.

New section.

SEC. 3. There is added to chapter 28, Laws of 1959 and chapter 72.60 RCW a new section to read as follows:

Fund pays own administration expenses.

All expenses arising in the administration of the industrial and agricultural programs of the department of institutions under the jurisdiction of the institutional industries commission, including the payment of expenses of the members of the commission and the salaries of employees administering such

programs and all expenditures incurred in establishing, maintaining, and operating the industrial and agricultural programs of the department of institutions, shall be paid from the institutional industries revolving fund, subject to the approval of the institutional industries commission.

SEC. 4. There is added to chapter 28, Laws of 1959 and chapter 72.60 RCW a new section to read as follows: New section

At such times as the moneys in the institutional industries revolving fund exceed such amount as shall be necessary for the efficient operation of the institutional industries program to be determined by periodic audits of the director of budget, the excess shall be forwarded and paid over by the director to the state treasurer for deposit in the general fund of the state treasury. Excess in fund to general fund.

SEC. 5. There is added to chapter 28, Laws of 1959 and chapter 72.60 RCW a new section to read as follows: New section.

The director shall prepare and forward to the governor annually a report for the fiscal year ending on the thirtieth day of June of the fiscal year in which the report is made, which report shall be a public document and contain: Institutional programs report.

(1) A detailed financial statement and balance showing in general the condition of the industrial and agricultural programs of the department of institutions and their operation during the year; (2) general information concerning institutional industrial and agricultural programs; and (3) any further information requested by the governor.

SEC. 6. Section 1, chapter 370, Laws of 1955, as amended by section 6, chapter 115, Laws of 1957, and RCW 43.79.330, are each amended to read as follows: RCW 43.79.330 amended.

Miscellaneous
state funds—
Money trans-
ferred to
general fund.

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) Commercial feed fund moneys, to the commercial feed account;
- (4) Commission merchants fund moneys, to the commercial merchants account;
- (5) Electrical licenses fund moneys, to the electrical licenses account;
- (6) Feed and fertilizer fund moneys, to the feed and fertilizer account;
- (7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;
- (8) Forest development fund moneys, to the forest development account;
- (9) Harbor improvement fund moneys, to the harbor improvement account;
- (10) Institutional building construction fund moneys, to the institutional building construction account;
- (11) Investment reserve fund moneys, to the investment reserve account;
- (12) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
- (13) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (14) Nursery inspection fund moneys, to the nursery inspection account;
- (15) State parks and parkways fund moneys, to the state parks and parkways account;

(16) Public school building construction fund moneys, to the public school building construction account;

(17) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(18) Real estate commission fund moneys, to the real estate commission account;

(19) Reclamation revolving fund moneys, to the reclamation revolving account;

(20) Seed fund moneys, to the seed account;

(21) United States vocational education fund moneys, to the United States vocational education account;

(22) University of Washington building fund moneys, to the University of Washington building account;

(23) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;

(24) State College of Washington building fund moneys, to the State College of Washington building account;

(25) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and

(26) School emergency construction fund moneys, to the public school building construction account.

SEC. 7. From and after the first day of August, 1959, the state institutional revolving account in the state general fund is hereby abolished.

Account
abolished.

SEC. 8. All moneys to the credit of the state institutional revolving account of the state general fund on the first day of August, 1959, and all moneys thereafter paid to the state treasurer to the credit of such account in the general fund are hereby

Moneys
transferred.

transferred to the state institutional industries fund created by this act.

Payment
of warrants.

SEC. 9. From and after the first day of August, 1959, all warrants drawn on the state institutional revolving account in the general fund of the state treasury and not presented for payment, shall be paid from the state institutional industries revolving fund.

Repeal.

SEC. 10. Sections 1, 3 and 4, chapter 115, Laws of 1957, section 41, chapter 7, Laws of 1921, and RCW 43.79.380, 43.79.382, 43.79.383 and 43.19.170 are each hereby repealed.

Passed the House February 14, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 274.

[H. B. 286.]

PUBLIC UTILITY DISTRICTS—PRIVILEGE TAX.

AN ACT relating to public utility districts and the taxation thereof; amending section 7, chapter 278, Laws of 1957 and RCW 54.28.010; amending section 2, chapter 278, Laws of 1957 and RCW 54.28.020; amending section 3, chapter 278, Laws of 1957 and RCW 54.28.030; amending section 5, chapter 278, Laws of 1957 and RCW 54.28.050 to take effect January 1, 1960; and repealing section 15, chapter 278, Laws of 1957 and RCW 54.28.130.

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

RCW 54.28.010
amended.

SECTION 1. Section 7, chapter 278, Laws of 1957 and RCW 54.28.010 are each amended to read as follows:

Definitions.

As used in this chapter:

"Tax
commission."

"Tax commission" means the state tax commission;

“Operating property” means all of the property utilized by a public utility district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale;

“Operating property.”

“Taxing districts” means counties, cities, towns, school districts, and road districts;

“Taxing districts.”

“Distributes to consumers” means the sale of electric energy to ultimate consumers thereof, and does not include sales of electric energy for resale by the purchaser;

“Distributes to consumers.”

“Wholesale value” means all costs of a public utility district associated with the generation and transmission of energy from its own generation and transmission system to the point or points of interconnection with a distribution system owned and used by a district to distribute such energy to consumers, or in the event a distribution system owned by a district is not used to distribute such energy, then the term means the gross revenues derived by a district from the sale of such energy to consumers.

“Wholesale value.”

SEC. 2. Section 2, chapter 278, Laws of 1957 and RCW 54.28.020 are each amended to read as follows:

RCW 54.28.020 amended.

There is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, such tax shall be the sum of the following amounts: (1) Two percent of the gross revenues derived by the district from the sale of all electric energy which it distributes to consumers who are served by a distribution system owned by the district; (2) five percent of the first four mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district; (3) five percent of the first four mills per kilowatt-hour of revenue obtained by the dis-

Tax imposed
—Rates.

trict from the sale of self-generated energy for resale.

RCW 54.28.030
amended.

Districts'
report to
tax commis-
sion.

SEC. 3. Section 3, chapter 278, Laws of 1957 and RCW 54.28.030 are each amended to read as follows:

On or before the fifteenth day of March of each year, each district subject to this tax shall file with the tax commission a report verified by the affidavit of its manager or secretary on forms prescribed by the tax commission. Such report shall state (1) the gross revenues derived by the district from the sale of all distributed energy to consumers and the respective amounts derived from such sales within each county; (2) the gross revenues derived by the district from the sale of self-generated energy for resale; (3) the amount of all generated energy distributed by a district from its own generating facilities, the wholesale value thereof, and the basis on which the value is computed; (4) the total cost of all generating facilities and the cost of acquisition of land and land rights for reservoir purposes in each county, and (5) such other and further information as the tax commission reasonably may require in order to administer the provisions of this chapter. In case of failure by a district to file such report, the commission may proceed to determine the information, which determination shall be contestable by the district only for actual fraud.

RCW 54.28.050
amended.

Apportion-
ment of tax
to taxing
district.

SEC. 4. Section 5, chapter 278, Laws of 1957 and RCW 54.28.050 are each amended to read as follows:

After computing the tax imposed by this chapter, the tax commission shall instruct the state treasurer, after placing four percent in the state general fund, to distribute the balance collected under RCW 54.28.020 subsection (1) to each county in proportion to the gross revenue from sales made within each county; and to distribute the balance collected under RCW 54.28.020 subsections (2) and (3) as follows: If the entire generating facility,

including reservoir, if any, is in a single county then all of the balance to the county where such generating facility is located. If any reservoir is in more than one county, then to each county in which the reservoir or any portion thereof is located a percentage equal to the percentage determined by dividing the total cost of the generating facilities, including adjacent switching facilities, into twice the cost of land and land rights acquired for any reservoir within each county, land and land rights to be defined the same as used by the federal power commission. If the powerhouse and dam, if any, in connection with such reservoir are in more than one county, the balance shall be divided sixty percent to the county in which the owning district is located and forty percent to the other county or counties or if said powerhouse and dam, if any, are owned by a joint operating agency organized under chapter 43.52 RCW, or by more than one district or are outside the county of the owning district, then to be divided equally between the counties in which such facilities are located. If all of the powerhouse and dam, if any, are in one county, then the balance shall be distributed to the county in which the facilities are located.

Apportionment of tax to taxing district.

SEC. 5. Section 15, chapter 278, Laws of 1957 and RCW 54.28.130 are each repealed. Repeal.

SEC. 6. The effective date of section 4 of this 1959 amendatory act shall be January 1, 1960. Effective date, section 4.

Passed the House March 3, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 275.

[H. B. 355.]

PUBLIC UTILITY DISTRICTS—DISPOSITION OF
PROPERTIES.

AN ACT relating to powers of public utility districts; providing for the sale and conveyance of properties to cities and towns; and amending section 19, chapter 390, Laws of 1955 and RCW 54.16.180.

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

RCW 54.16.180
amended.

SECTION 1. Section 19, chapter 390, Laws of 1955 and RCW 54.16.180 are each amended to read as follows:

Sale or lease
of properties—
Procedure.

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: *Provided*, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: *Provided further*, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another 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 or public body, any part, either within or without its boundaries, which has 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: *Provided further*, That a public utility district located within a county of the first class may sell and con-

vey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purpose of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Passed the House February 25, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 276.

[H. B. 331.]

SCHOOLS—APPORTIONMENT.

AN Act relating to education; providing for the support of common schools; amending section 1, page 320, Laws of 1909 as amended by section 1, chapter 141, Laws of 1945, section 3, chapter 141, Laws of 1945, and RCW 28.41.020, 28.48.010 and repealing 28.48.020; and repealing sections 1 through 3, chapter 242, Laws of 1945 and RCW 43.79.230 and 43.79.240.

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

SECTION 1. Section 1, page 320, Laws of 1909 as amended by section 1, chapter 141, Laws of 1945, and RCW 28.41.020 are each amended to read as follows:

RCW 28.41.020
amended.

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 state
school fund.
Sources.

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 appropriate from the state general fund for the current use of the common schools an amount of money, which, with the interest and other revenues aforesaid, shall equal the amounts needed for state support to public schools.

SEC. 2. Section 3, chapter 141, Laws of 1945 (heretofore divided and codified as RCW 28.48.010 and 28.48.020) is amended as set forth in sections 3 and 4 of this act, RCW 28.48.020 being hereby repealed.

RCW 28.48.010
amended.
Apportion-
ment, By state
superinten-
dent.

SEC. 3. (RCW 28.48.010) 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 and/or the state general fund to the several counties of the state one-tenth of the total annual amount due and apportionable to such counties for the school districts thereof. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several counties during such month.

Repeal.

SEC. 4. RCW 28.48.020 is hereby repealed.

Repeal.

SEC. 5. Sections 1 through 3, chapter 242, Laws of 1945 and RCW 43.79.230 and 43.79.240 are each repealed.

Passed the House March 7, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 277.

[S. B. 309.]

JUVENILE CORRECTIONAL INSTITUTION.

AN ACT relating to the establishment, construction and administration of a correctional institution for juveniles committed to the department of institutions, division of children and youth services, by the juvenile courts and declaring an emergency.

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

SECTION 1. There is hereby established under the supervision and control of the director of the department of institutions a correctional institution for the reception, diagnosis, confinement and rehabilitation of juveniles committed by the juvenile courts to the department of institutions, division of children and youth services. Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services.

Institution
established—
Preliminary
specifications.

SEC. 2. The director is hereby authorized to acquire by gift, purchase or condemnation a suitable tract or parcel of real property as a site for a juvenile correctional institution, and for that purpose may enter into contracts to purchase and to take title to real property in the name of the state. Prior to entering into any contract for the purchase of real property, or acquiring such real property by eminent domain, the director shall give preference to any and all offers to donate real property by any person or persons, federal agencies, or any political subdivisions of the state. The director may accept or reject any and all offers for the donation of real

Site, donations
of, contracts
for.

property when in his discretion such land is not suitable for the purposes and objects of such institution, or is remotely located in such degree as would be disadvantageous, in view of the needs and purposes of such institution.

Construction,
contracts for.

SEC. 3. When title to the land selected by the director, as provided in this act, has vested in the state, the director shall, upon the completion of plans and specifications for such institution, publish a call for bids, as provided by law, and enter into a contract for the construction of such institution: *Provided*, That no contract shall be entered into for the construction of such institution until such time as an appropriation for that purpose has been made by the legislature.

Superinten-
dent—Qualifi-
cations.

SEC. 4. The superintendent of the correctional institution established by this act shall be appointed by the director. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of institutions, with the advice and approval of the director.

Associate
superinten-
dents.

SEC. 5. The superintendent, subject to the approval of the director, shall appoint such associate superintendents as shall be deemed necessary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, he shall appoint one of the officers of the institution to act as superintendent during such period of absence, illness or incapacity, subject to the approval of the director.

Employees
under person-
nel board.

SEC. 6. The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board

or such merit system board as shall be hereafter established by law having jurisdiction within the department of institutions.

SEC. 7. The superintendent shall have the following powers, duties and responsibilities:

Superintendent's powers and duties.

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, of the grounds and buildings, subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the approval of the director, appoint all subordinate officers and employees, who shall be removable from employment by the superintendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of institutions.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules and regulations governing the accounting and disposition of all monies received by such juveniles, not inconsistent with law, and subject to the approval of the director.

SEC. 8. The director may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this act in furtherance of the provisions of this act and not inconsistent with law.

Rules, regulations.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Emergency.

Passed the Senate March 7, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 278.

[S. B. 63.]

MATERIALMEN'S LIENS.

AN ACT relating to materialmen's liens; and amending section 1, chapter 45, Laws of 1909, as last amended by section 1, chapter 214, Laws of 1957, and RCW 60.04.020.

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

RCW 60.04.020 amended.

SECTION 1. Section 1, chapter 45, Laws of 1909, as last amended by section 1, chapter 214, Laws of 1957, and RCW 60.04.020 are each amended to read as follows:

Notice that materialmen's lien may be claimed.

Every person, firm or corporation furnishing materials or supplies to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim or stone quarry, shall, not later than sixty days after the date of the first delivery of such materials or supplies to any contractor or agent, give to the owner or reputed owner of the property on, upon or about which such materials or supplies were used, a notice in writing, stating in substance and effect that such person, firm or corporation has furnished materials and supplies for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies furnished by such person, firm, or corporation for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner or reputed owner at his place of residence or reputed residence: *Provided, however,* That with respect to materials or supplies used in construction, alteration or repair of

any single family residence or garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies. No materialmen's lien shall be enforced unless the provisions of this section have been complied with: *Provided*, That in the event the notice required by this section is not given within the time specified by this section, any lien or claim of lien shall be enforceable only for materials and supplies delivered subsequent to such notice being given to the owner or reputed owner, and such lien or claim of lien shall be secondary to any lien or claim of lien established where such notice was given within the time limits prescribed by this section.

Notice lien
may be
claimed.

Note: See also section 2, chapter 279, Laws of 1959.

Passed the Senate February 4, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 279.

[S. B. 64.]

MECHANICS' AND MATERIALMEN'S LIENS

AN ACT relating to mechanics' and materialmen's liens; amending section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 116, Laws of 1905, and RCW 60.04.010; amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 214, Laws of 1957, and RCW 60.04.020; amending section 3, chapter 24, Laws of 1893 as last amended by section 1, chapter 230, Laws of 1929, and RCW 60.04.040; amending section 4, chapter 24, Laws of 1893 and RCW 60.04.050; amending section 5, chapter 24, Laws of 1893 as last amended by section 1 (5a), chapter 217, Laws of 1949, and RCW 60.04.060; amending section 1 (5b), chapter 217, Laws of 1949 and RCW 60.04.064; amending section 1 (5c), chapter 217, Laws of 1949 and RCW 60.04.067; amending section 8, chapter 24, Laws of 1893 and RCW 60.04.090; amending section 10, chapter 24, Laws of 1893 and RCW 60.04.110; amending section 12, chapter 24, Laws of 1893 and RCW 60.04.130; amending

section 14, chapter 24, Laws of 1893 and RCW 60.04.140; and amending section 13, chapter 24, Laws of 1893 and RCW 60.04.180.

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

RCW 60.04.010 amended.

SECTION 1. Section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 116, Laws of 1905, and RCW 60.04.010 are each amended to read as follows:

Lien authorized—Bond by railroad company.

Every person performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed, material furnished, or equipment supplied by each, respectively, whether performed, furnished, or supplied at the instance of the owner of the property subject to the lien or his agent; and every contractor, subcontractor, architect, builder or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: *Provided*, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, materialmen, and equipment suppliers, and persons who supply such contractors with provisions, all just dues to such persons or to any person to whom any part of such work is given, incurred in carrying on such

work, which bond shall be filed by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor.

SEC. 2. Section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 214, Laws of 1957, and RCW 60.04.020 are each amended to read as follows:

RCW 60.04.020 amended.

Every person, firm or corporation furnishing materials or supplies or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim or stone quarry, shall, not later than sixty days after the date of the first delivery of such materials or supplies or equipment to any contractor or agent, give to the owner or reputed owner of the property on, upon or about which such materials or supplies or equipment were used, a notice in writing, stating in substance and effect that such person, firm or corporation has furnished materials and supplies, or equipment for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies, or equipment furnished by such person, firm or corporation for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner or reputed owner at his place of residence or reputed residence: *Provided, however,* That with respect to materials or supplies or equipment used in construction, alteration or repair of any single family residence or

Notice that materialmen's lien may be claimed.

garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies or equipment. No materialmen's lien shall be enforced unless the provisions of this section have been complied with.

Note: See also section 1, chapter 278, Laws of 1959.

RCW 60.04.040
amended.

SEC. 3. Section 3, chapter 24, Laws of 1893 as last amended by section 1, chapter 230, Laws of 1929, and RCW 60.04.040 are each amended to read as follows:

Lien for im-
proving real
property.

Any person who, at the request of the owner of any real property, his agent, contractor or subcontractor, clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, his agents, contractor, or subcontractor, rents, leases, or otherwise supplies equipment, or furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, has a lien upon such real property for the labor performed, the materials furnished, or the equipment supplied for such purposes.

RCW 60.04.050
amended.

SEC. 4. Section 4, chapter 24, Laws of 1893 and RCW 60.04.050 are each amended to read as follows:

Priority of
lien.

The liens created by this chapter are preferred to any lien, mortgage or other incumbrance which may attach subsequently to the time of the commencement of the performance of the labor, the furnishing of the materials, or the supplying of the equipment for which the right of lien is given by this chapter, and are also preferred to any lien, mortgage or other incumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive

notice of the same prior to that time, and of which the lien claimant had no notice.

SEC. 5. Section 5, chapter 24, Laws of 1893 as last amended by section 1 (5a), chapter 217, Laws of 1949, and RCW 60.04.060 are each amended to read as follows:

RCW 60.04.060
amended.

No lien created by this chapter shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, a claim for such lien shall be filed for record as hereinafter provided, in the office of the county auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the person who performed the labor, furnished the material, or supplied the equipment, the name of the person by whom the laborer was employed (if known) or to whom the material was furnished, or equipment supplied, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, and if not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the claim to be just; in case the claim shall have been assigned the name of the assignee shall be stated; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, in so far as the interests of third parties shall not be affected by such amendment. A claim for lien sub-

Claim—Con-
tents—Form
—Filing—
Joinder.

Claim—
Form—
Joinder.

stantially in the following form shall be sufficient:

....., claimant, vs.

Notice is hereby given that on the day (date of commencement of performing labor or furnishing material or supplying equipment)..... at the request of commenced to perform labor (or to furnish material or supply equipment to be used) upon (here describe property subject to the lien) of which property the owner, or reputed owner, is (or if the owner or reputed owner is not known, insert the word "unknown"), the performance of which labor (or the furnishing of which material or supply of which equipment) ceased on the day of; that said labor performed (or material furnished or equipment supplied) was of the value of dollars, for which labor (or material) (or equipment) the undersigned claims a lien upon the property herein described for the sum ofdollars. (In case the claim has been assigned, add the words "and is assignee of said claim," or claims, if several are united.)

....., Claimant.

State of Washington, County of....., ss.

....., being sworn, says: I am the claimant (or attorney of the claimant) above named; I have heard the foregoing claim read and know the contents thereof, and believe the same to be just.

.....
Subscribed and sworn to before me this day of

.....
Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated: *Provided*, It shall not be necessary to insert in the

notice of claim of lien provided for by this chapter any itemized statement or bill of particulars of such claim.

SEC. 6. Section 1 (5b), chapter 217, Laws of 1949 and RCW 60.04.064 are each amended to read as follows:

RCW 60.04.064 amended.

The owner may within ten days after there has been a cessation of the performance of such labor, the furnishing of such material, or the supplying of such equipment thereon for a period of thirty days, file for record in the office of the county auditor, in the county where the property is situated, a notice setting forth the date on which cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment occurred together with his name, address and the nature of his title, a legal description of the property and a statement that a copy of this notice was delivered or mailed to the general contractor, if any. The notice must be verified by the owner or by some person in his behalf. Where the ownership of the property is in several persons any one or more of the several owners may execute and file such notice, but the notice must state the names, addresses and nature of title of all of such owners. Such notice shall be conclusive evidence of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment on or before the date of cessation as stated in said notice, unless controverted by claimant's claim of lien which must be recorded within sixty days from the date of recording of such notice by the owner. This provision shall not extend the time for filing lien claims as provided by RCW 60.04.060.

Owner may record notice to lien claimants.

SEC. 7. Section 1 (5c), chapter 217, Laws of 1949 and RCW 60.04.067 are each amended to read as follows:

RCW 60.04.067 amended.

Where such labor is performed, such materials

Separate residential units—Time for filing claim commences— Definition.

are furnished, or such equipment is supplied in the construction of two or more separate residential units the time for filing claims of lien against each separate residential unit shall commence to run upon the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment on each such residential unit as provided in this chapter. A separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto.

RCW 60.04.090 amended.

SEC. 8. Section 8, chapter 24, Laws of 1893 and RCW 60.04.090 are each amended to read as follows:

Claims to designate property charged.

In every case in which one claim is filed against two or more separate pieces of property owned by the same person, or owned by two or more persons who jointly contracted for the labor, material, or equipment for which the lien is claimed, the person filing such claim must designate in the claim the amount due him on each piece of property, otherwise the lien of such claim is postponed to other liens. The lien of such claim does not extend beyond the amount designated as against other creditors having liens upon either of such pieces of property.

RCW 60.04.110 amended.

SEC. 9. Section 10, chapter 24, Laws of 1893 and RCW 60.04.110 are each amended to read as follows:

Adjustment between owner and contractor.

The contractor shall be entitled to recover upon the claim filed by him only such amount as may be due him according to the terms of his contract, after deducting all claims of other parties for labor performed, materials furnished, and equipment supplied; and in all cases where a claim shall be filed under this chapter for labor performed, materials furnished, or equipment supplied to any contractor, he shall defend any action brought thereupon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which the claim is filed;

and in case of judgment against the owner or his property, upon the lien, the owner shall be entitled to deduct from any amount due or to become due by him to the contractor, the amount of the judgment and costs, and if the amount of such judgment and costs shall exceed the amount due by him to the contractor or if the owner shall have settled with the contractors in full, he shall be entitled to recover back from the contractor the amount, including costs for which the lien is established in excess of any sum that may remain due from him to the contractor.

SEC. 10. Section 12, chapter 24, Laws of 1893 and RCW 60.04.130 are each amended to read as follows:

RCW 60.04.130 amended.

In every case in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

Rank of lien—
Application of
proceeds—
Attorney's
fees.

- (1) All persons performing labor.
- (2) All persons furnishing material or supplying equipment.
- (3) The subcontractors.
- (4) The original contractors.

The proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow, as part of the costs of the action, the moneys paid for filing

or recording the claim, and a reasonable attorney's fee in the superior and supreme courts.

RCW 60.04.140 amended.

SEC. 11. Section 14, chapter 24, Laws of 1893 and RCW 60.04.140 are each amended to read as follows:

Lien not discharged by taking note.

The taking of a promissory note or other evidence of indebtedness for any labor performed, material furnished, or equipment supplied for which lien is created by law, shall not discharge the lien therefor, unless expressly received as payment and so specified therein.

RCW 60.04.180 amended.

SEC. 12. Section 13, chapter 24, Laws of 1893 and RCW 60.04.180 are each amended to read as follows:

Personal action preserved.

Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for labor performed, material furnished, or equipment supplied to maintain a personal action to recover such debt against the person liable therefor.

Passed the Senate February 6, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 280.

[S. B. 138.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; amending section 2, chapter 235, Laws of 1945 and RCW 33.08.010; amending section 57, chapter 235, Laws of 1945, as amended by section 5, chapter 20, Laws of 1949, and RCW 33.12.130; amending section 66, chapter 235, Laws of 1945, as amended by section 8, chapter 71, Laws of 1953, and RCW 33.24.090; amending section 69, chapter 235, Laws of 1945, as amended by section 7, chapter 20, Laws of 1949, and RCW 33.24.120; amending section 72, chapter 235, Laws of 1945 and RCW 33.24.150; amending section 74, chapter 235, Laws of 1945, as amended by section 8, chapter 20, Laws of 1949, and RCW 33.24.170; and adding three new sections to chapter 235, Laws of 1945 and to chapter 33.08 RCW; and declaring an emergency.

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

SECTION 1. No person, firm, company, association, fiduciary, co-partnership, or corporation, either foreign or domestic, shall organize as, carry on or conduct the business of an association except in conformity with the terms and provisions of this title or unless incorporated as a savings and loan association under the laws of the United States or use in name or advertising any of the following:

Any collocation employing either or both of the words "building" or "loan" with one or more of the words "saving," "savings," "thrift," or words of similar import except in conformity with this title;

Any collocation employing one or more of the words "saving," "savings," "thrift" or words of similar import, with one or more of the words "association," "institution," "society," "company," "corporation," or words of similar import, or abbreviations thereof except in conformity with this title or unless authorized to do business under the laws of this state or of the United States relating to savings and loan associations, banks, or mutual savings banks;

Compliance
required—
Use of words
in name or
advertising—
Penalty—
Savings.

nor shall the word "federal" be used as a part of such name unless the user is incorporated as a savings and loan association under the laws of the United States.

Neither shall the words "saving," or "savings," be used in any name or advertising or to represent in any manner to indicate that his or its business is of the character or kind of business carried on or transacted by an association or which is calculated to lead any person to believe that his or its business is that of an association unless authorized to do business under the laws of this state or of the United States relating to savings and loan associations, banks, or mutual savings banks.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer, violates any provision of this section, shall be guilty of a gross misdemeanor. Such conduct shall also be deemed a nuisance and subject to abatement in the manner prescribed by law at the instance of the state supervisor of savings and loan associations or any other public body or officer authorized to do so.

The provisions of this section shall have no application to use of any word or collocation of words or to any representation or advertising which had been adopted and lawfully used by any person, firm, company, association, fiduciary, co-partnership or corporation lawfully engaged in business at the effective date of this act.

RCW 33.12.130
amended.

SEC. 2. Section 57, chapter 235, Laws of 1945, as amended by section 5, chapter 20, Laws of 1949, and RCW 33.12.130 are each amended to read as follows:

Powers, re-
strictions,
available
fund require-
ments.

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 percent of the aggregate of the savings accounts of its members. Such fund

shall consist of cash on hand and balances due from solvent banks or checks in transit for collection from solvent banks, including funds deposited on time or demand with the federal home loan bank of which the association is a stockholder, certificates of deposit or time deposits in a bank, or savings accounts in other insured savings and loan associations or banks.

Available
fund require-
ments.

In addition, every association shall have on hand at all times, either in cash or in bonds or obligations authorized by RCW 33.24.020 to 33.24.040 and 33.24-.090, 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:

Seven percent 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 persons;

Nine percent of such savings accounts, if such principal place of business shall be in a city having a population in excess of twenty-five thousand persons and of not more than two hundred thousand persons; and

Eleven percent of such savings accounts, if such principal place of business shall be in a city having a population of more than two hundred thousand 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 as fixed by the federal home loan bank of which the association is a stockholder, it shall discontinue the making of any loans or other investments, except those for which its commitments have previously been issued, until a status

complying with the provisions of this section shall be re-established.

RCW 33.24.090 amended.

SEC. 3. Section 66, chapter 235, Laws of 1945, as amended by section 8, chapter 71, Laws of 1953, and RCW 33.24.090 are each amended to read as follows:

Loans, investments, obligations of federal and state agencies — Investment in other associations.

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, the Federal National Mortgage Association, or any other instrumentality of the federal government, or any state or federal agency organized under 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.

An association may become a member of and invest its funds in other savings and loan associations organized under either federal or state law, which have an authorized office in this state: *Provided*, That the investment in any such other savings and loan association shall not exceed the amount which is insured by the Federal Savings and Loan Insurance Corporation.

RCW 33.24.120 amended.

SEC. 4. Section 69, chapter 235, Laws of 1945, as amended by section 7, chapter 20, Laws of 1949, and RCW 33.24.120 are each amended to read as follows:

Appraisal for mortgage loans.

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: *Provided*, That the directors of an association may by resolution authorize

the reduction in the number of appraisers on every type loan to one qualified appraiser. In cases of loans insured or guaranteed in whole or in part by a government agency, an appraisal by an authorized appraiser appointed by the board shall be required in addition to the appraisal made by the government agency.

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.

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.

SEC. 5. Section 72, chapter 235, Laws of 1945 and RCW 33.24.150 are each amended to read as follows:

RCW 33.24.150 amended.

An association may invest its funds in promissory notes secured by the pledge or assignment of the savings account of the borrowing member. Any such loan shall not exceed ninety percent of the balance due to the member upon such savings account.

Notes secured by savings account.

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 percent of the amount of such account or ninety percent of the amount of the insurance thereon, whichever is the smaller.

The pledge to any association or federal savings and loan association of all or part of a savings account in joint tenancy signed by that person or those

persons who are authorized in writing to make withdrawals from the account shall, unless the terms of the savings account provide specifically to the contrary, be a valid pledge and transfer to the association of that part of the account pledged, and shall not operate to sever or terminate the joint and survivorship ownership of all or any part of the account.

RCW 33.24.170
amended.

SEC. 6. Section 74, chapter 235, Laws of 1945, as amended by section 8, chapter 20, Laws of 1949, and RCW 33.24.170 are each amended to read as follows:

Real estate
for its own
use.

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:

- (1) The aggregate of its contingent fund, surplus, and undivided profits accounts equals five percent of the aggregate of its savings accounts;
- (2) its directors, by three-fourths majority vote, approve the making of such investment; and
- (3) the total investment in such property does not exceed seven and one-half percent 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 percent of the book value at the close of each annual period, unless an extension of time be granted by the supervisor.

SEC. 7. There is added to chapter 235, Laws of 1945 and to chapter 33.08 RCW a new section to read as follows: New section.

An association with the written approval of the supervisor, may establish and operate branches in any county of the state. Branch associations authorized—Procedure—Limitations.

An association desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application within six months after receipt.

A branch shall not be established at a place in which the supervisor would not permit a proposed new association to engage in business, by reason of any consideration contemplated by RCW 33.08.060. A branch shall not be established or permitted if the contingent fund, loss reserves and guaranty stock are less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a bank. If the application for a branch is not approved, the association shall have the right to appeal in the same manner and within the same time as provided by RCW 33.08.070. The association when delivering said application to the supervisor shall transmit to him a check for one hundred dollars to cover the expense of the investigation. An association shall not move any office from its immediate vicinity without prior approval of the supervisor.

SEC. 8. There is added to chapter 235, Laws of 1945 and to chapter 33.08 RCW a new section to read as follows: New section.

At least thirty days prior to approving an application for the establishment of a new association or branch the supervisor shall have published on three different dates in a newspaper of general circulation in the community in which the new office is to be established, a notice stating he has received an ap- New association or branch, notice of application for—Protests.

plication for a new association or branch office to be established in a given specific location. A similar notice shall also be mailed by the supervisor to all savings and loan association offices within a fifty mile area of the proposed new office. Persons interested in protesting the application may contact the supervisor in person or by writing prior to a date which shall be given in said notice.

Emergency.

SEC. 9. 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 27, 1959.

Passed the House March 6, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 281.

[S. B. 151.]

OFFICIAL STATE SONG.

AN ACT designating "Washington My Home" as the official song of the state of Washington; and adding a new section to chapter 1.20 RCW.

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

New section.

SECTION 1. There is added to chapter 1.20 RCW a new section to read as follows:

Official song designated.

The song, music and lyrics, "Washington My Home", composed by Helen Davis, is hereby designated as the official song of the state Washington.

Proceeds of sale used in promotion.

SEC. 2. All proceeds from the sale of the official song of the state as designated in section 1 of this act shall be placed in a special account of the general fund to be used by the department of commerce and economic development for advertising the state of

Washington and promoting the official song of the state.

Passed the Senate February 23, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 282.

[Sub. S. B. 52.]

THE SECURITIES ACT OF WASHINGTON.

AN ACT relating to securities; defining terms; providing for an administrator of securities and an advisory committee; defining powers and duties; providing penalties; and repealing chapter 69, Laws of 1923, chapter 97, Laws of 1935, chapter 182, Laws of 1937; chapter 124, Laws of 1939; chapter 169, Laws of 1943; chapter 231, Laws of 1943; chapter 189, Laws of 1947; chapter 150, Laws of 1949; and chapter 230, Laws of 1951; and chapter 21.04 RCW; chapter 178, Laws of 1937, chapter 64, Laws of 1951 and chapter 21.08 RCW; chapter 110, Laws of 1939 and chapter 21.12 RCW.

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

FRAUDULENT AND OTHER PROHIBITED PRACTICE

SECTION 1. It is unlawful for any person, in connection with the offer, sale or purchase of any security, directly or indirectly:

Unlawful acts as to offer, sale or purchase.

(1) To employ any device, scheme, or artifice to defraud;

(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

Unlawful acts when advising another.

SEC. 2. It is unlawful for any person who receives any consideration from another party primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise:

(1) To employ any device, scheme, or artifice to defraud the other person; or

(2) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person.

Requisites for investment advisory contract—otherwise unlawful.

SEC. 3. It is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract unless it provides in writing:

(1) That the investment adviser shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

(2) That no assignment of the contract may be made by the investment adviser without the consent of the other party to the contract; and

(3) That the investment adviser, if a partnership, shall notify the other party to the contract of any change in the membership of the partnership within a reasonable time after the change.

Subsection (1) above does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates or taken as of a definite date. "Assignment," as used in subsection (2) above, includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but, if the investment adviser is a partnership, no assignment of an investment advisory contract is considered to result from the death or withdrawal of a minority of

the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business.

REGISTRATION OF BROKER-DEALERS, SALESMEN, AND INVESTMENT ADVISERS

SEC. 4. It is unlawful for any person to transact business in this state as a broker-dealer or salesman, except in transactions exempt under section 32 of this act, unless he is registered under this act. It is unlawful for any broker-dealer or issuer to employ a salesman unless the salesman is registered. It is unlawful for any person to transact business in this state as an investment adviser unless (1) he is so registered under this act, or (2) he is registered as a broker-dealer under this act, or (3) his only clients in this state are investment companies as defined in the investment company act of 1940, or insurance companies.

Registration required.

SEC. 5. A broker-dealer, salesman, or investment adviser may apply for registration by filing with the director an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in section 34 of this act. Registration of a broker-dealer automatically constitutes registration of all partners, officers or directors of such broker-dealer as salesmen (except any partner, officer or director whose registration as a salesman is denied, suspended or revoked under section 11 of this act) without the filing of applications for registration as salesmen or the payment of fees for registration as salesmen.

Registration application, consent form, fee—Scope of registration.

Contents of application.

SEC. 6. The application shall contain whatever information the director requires concerning such matters as:

- (1) The applicant's form and place of organization;
- (2) The applicant's proposed method of doing business;
- (3) The qualifications and business history of the applicant and in the case of a broker-dealer or investment adviser, any partner, officer, or director;
- (4) Any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and
- (5) The applicant's financial condition and history.

When registration effective —Written exams.

SEC. 7. If no denial order is in effect and no proceeding is pending under section 11 of this act, registration becomes effective when the applicant has successfully passed the written examination required under this section. The director shall require as a condition of registration that the applicant (and, in the case of a corporation or partnership, all officers, directors or partners doing securities business in this state) pass a written examination as evidence of knowledge of the securities business: *Provided*, That not more than two officers of an issuer may be registered as a salesman for a particular original offering of the issuers securities without being required to pass such written examination: *And provided further*, That no such officer may again register within five years as such salesman for this or any other issuer without passing the written examination. Such examination shall be given twice a year or at such more frequent intervals as the advisory committee shall direct.

SEC. 8. Registration of a broker-dealer, salesman or investment adviser shall be effective until March

1 of the following year and may be renewed as hereinafter provided. The registration of a salesman is not effective during any period when he is not associated with an issuer or a registered broker-dealer specified in his application or a notice filed with the director. When a salesman begins or terminates a connection with an issuer or registered broker-dealer, the salesman and the issuer or broker-dealer shall promptly notify the director.

Duration of registration—Salesman's notice of association.

SEC. 9. Registration of a broker-dealer, salesman or investment adviser may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, salesman or investment adviser filed with the director by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year without payment of any fee.

Registration renewal, requisites—Successor application.

SEC. 10. Every registered broker-dealer and investment adviser shall make and keep such accounts and other records, except with respect to securities exempt under section 31 (1) of this act, which accounts and other records shall be prescribed by the director. All records so required shall be preserved for three years unless the director prescribes otherwise for particular types of records. All the records of a registered broker-dealer or investment adviser are subject at any time or from time to time to such reasonable periodic, special or other examinations by representatives of the director, within or with-

Accounts, records—Examination of.

out this state, as the director deems necessary or appropriate in the public interest or for the protection of investors.

Denial, suspension, revocation of registration. Grounds.

SEC. 11. The director may by order deny, suspend, or revoke registration of any broker-dealer, salesman, or investment adviser if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has willfully violated or willfully failed to comply with any provision of this act or a predecessor act or any rule or order under this act or a predecessor act;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesman, or investment adviser;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesman, or the substantial equivalent of those terms as defined in this act, or is the

subject of an order of the federal securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) he may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; or

(9) Has not complied with a condition imposed by the director under section 10 of this act, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) Has failed to pay the proper filing fee; but the director may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

SEC. 12. Upon the entry of the order under section 11 of this act, the director shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or

—Order
—Request
for notice
of, hearing.

registrant is a salesman, that it has been entered and of the reasons therefor and that if requested by the applicant or registrant within fifteen days after the receipt of the director's notification the matter will be promptly set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under section 11 denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is a salesman), opportunity for hearing, and written findings of fact and conclusions of law.

Cancellation
of registration,
application
for—Grounds.

SEC. 13. If the director finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser or salesman, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the director may by order cancel the registration or application.

REGISTRATION OF SECURITIES

Offer, sale,
unregistered
securities,
unlawful—
Exceptions.

SEC. 14. It is unlawful for any person to offer or sell any security in this state, except securities exempt under section 31 of this act or when sold in transactions exempt under section 32 of this act, unless such security is registered by notification, coordination, or qualification under this act.

REGISTRATION BY NOTIFICATION

SEC. 15. The following securities may be registered by notification, whether or not they are also

eligible for registration by coordination under this act:

Registration
by notification
—Require-
ments.

(1) Any security whose issuer and any predecessors have been in continuous operation for at least five years if,

(a) there has been no default during the current fiscal year or within the three preceding fiscal years in the payment of principal, interest, or dividends on any security of the issuer (or any predecessor) with a fixed maturity or a fixed interest or dividend provision, and

(b) the issuer and any predecessors during the past three fiscal years have had average net earnings, determined in accordance with generally accepted accounting practices, which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision and which (i) equal at least five percent of the amount of securities without a fixed maturity or a fixed interest or dividend provision outstanding at the date the registration statement is filed (as measured by the maximum offering price or the market price on a day selected by the registrant within thirty days before the date of filing the registration statement whichever is higher, or if there is neither a readily determinable market price nor an offering price, book value on a day selected by the registrant within ninety days of the date of filing the registration statement), or (ii) if the issuer and any predecessors have not had any securities without a fixed maturity or a fixed interest or dividend provision outstanding for three full fiscal years, equal [to] at least five percent of the amount (as measured by the maximum public offering price) of such securities which will be outstanding if all the securities being offered or proposed to be offered (whether or not they are proposed to be registered or offered in this state) are issued.

(2) Any security (other than a certificate of in-

terest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease) registered for nonissuer distribution if any security of the same class has ever been registered under this act or a predecessor act, or the security being registered was originally issued pursuant to an exemption under this act or a predecessor act.

Registration
statement
by notifica-
tion. Contents.

SEC. 16. A registration statement by notification shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in section 34 of this act and, if required under section 33 of this act, a consent to service of process meeting the requirements of that section:

(1) A statement demonstrating eligibility for registration by notification.

(2) With respect to the issuer: Its name, address, and form of organization; the state (or foreign jurisdiction) and the date of its organization; and the general character and location of its business.

(3) A description of the securities being registered.

(4) Total amount of securities to be offered and amount of securities to be offered in this state.

(5) The price at which the securities are to be offered for sale to the public; any variation therefrom at which any portion of the offering is to be made to any persons, other than as underwriting and selling discounts or commissions; and the estimated maximum aggregate underwriting and selling discounts or commissions and finders' fees (including cash, securities, or anything else of value).

(6) Names and addresses of the managing underwriters and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) Description of any security options out-

standing or to be created in connection with the offering.

(8) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the federal securities and exchange commission.

(9) A copy of any offering circular or prospectus to be used in connection with the offering.

(10) In the case of any registration under section 15 (2) of this act which does not also satisfy the conditions of section 15 (1) of this act, a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and a summary of earnings for each of the two fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessors' existence if less than two years.

SEC. 17. If no stop order is in effect and no proceeding is pending under sections 28 and 30 of this act, a registration statement by notification automatically becomes effective at three o'clock pacific standard time in the afternoon of the second full business day after the filing of the registration statement or the last amendment, or at such earlier time as the director determines.

—Time
effective.

REGISTRATION BY COORDINATION

SEC. 18. Any security for which a registration statement has been filed under the securities act of 1933 or any securities for which filings have been made pursuant to rules and regulations A and A-M pursuant to subsection (b) of Sec. 3 of said securities act in connection with the same offering may be registered by coordination. A registration statement under this section shall contain the following information and be accompanied by the following

Registration
by coordina-
tion. Require-
ments for—
Contents.

documents, in addition to payment of the registration fee prescribed in section 34 of this act and, if required under section 33 of this act, a consent to service of process meeting the requirements of that section:

(1) Three copies of the prospectus, offering circular and/or letters of notification, filed under the securities act of 1933 together with all amendments thereto;

(2) The amount of securities to be offered in this state;

(3) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed;

(4) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the securities and exchange commission;

(5) If the director, by rule or otherwise, requires a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(6) If the director requests, any other information, or copies of any other documents, filed under the securities act of 1933; and

(7) An undertaking to forward promptly all amendments to the federal registration statement, offering circular and/or letters of notification, other than an amendment which merely delays the effective date.

SEC. 19. A registration statement by coordination under section 18 of this act automatically becomes effective at the moment the federal registration statement or other filing becomes effective if all the following conditions are satisfied:

—Time effective (if conditions satisfied).

(1) No stop order is in effect and no proceeding is pending under sections 28 and 30 of this act;

(2) The registration statement has been on file with the director for at least ten days; and

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or such shorter period as the director permits by rule or otherwise and the offering is made within those limitations. The registrant shall promptly notify the director by telephone or telegram of the date and time when the federal registration statement or other filing became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

"Price amendment."

SEC. 20. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment referred to in section 19 of this act, the director may enter a stop order, without notice of hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with section 19, if he promptly notified the registrant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements as to notice and post-effective amendment, the stop order is void as of the time of its entry. The director may by rule or otherwise waive either or both of the conditions specified in subsections 19 (2) and (3). If the federal

Stop order upon noncompliance with section 19—Waiver authorized.

registration statement or other filing becomes effective before all these conditions are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the director of the date when the federal registration statement or other filing is expected to become effective the director shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under sections 28 and 30 of this act; but this advice by the director does not preclude the institution of such a proceeding at any time.

REGISTRATION BY QUALIFICATION

Registration
by qualifica-
tion. Contents.

SEC. 21. Any security may be registered by qualification. A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in section 34 of this act, and, if required under section 33 of this act, a consent to service of process meeting the requirements of that section:

(1) With respect to the issuer and any significant subsidiary: Its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; and a description of its physical properties and equipment.

(2) With respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: His name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of a specified date within ninety days of the filing of the registration statement; the remuneration paid to all such persons in the aggregate during the past twelve months, and estimated to be paid during the next

twelve months, directly or indirectly, by the issuer (together with all predecessors, parents and subsidiaries).

Registration
by qualifica-
tion. Contents.

(3) With respect to any person not named in subsection 21 (2) of this act, owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: The information specified in subsection 21 (2) other than his occupation.

(4) With respect to every promoter, not named in subsection 21 (2) of this act, if the issuer was organized within the past three years. The information specified in subsection 21 (2), any amount paid to him by the issuer within that period or intended to be paid to him, and the consideration for any such payment.

(5) The capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities.

(6) The kind and amount of securities to be offered; the amount to be offered in this state; the proposed offering price and any variation therefrom at which any portion of the offering is to be made to any persons except as underwriting and selling discounts and commissions; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, or anything else of value to accrue to the underwriters in connection with the offering); the estimated amounts of other selling expenses, and legal, engineering, and accounting expenses to be incurred

Registration
by qualifica-
tion. Contents.

by the issuer in connection with the offering; the name and address of every underwriter and every recipient of a finders' fee; a copy of any underwriting or selling group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) The estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated, and the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors and the purchase price.

(8) A description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in subsections 21 (2), (3), (4), (5) or (7) of this act and by any person who holds or will hold ten percent or more in the aggregate of any such options.

(9) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(10) Any adverse order, judgment, or decree previously entered in connection with the offering by any court or the securities and exchange commission; a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including

any such litigation or proceeding known to be contemplated by governmental authorities).

(11) A copy of any prospectus or circular intended as of the effective date to be used in connection with the offering.

(12) A specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered.

(13) A signed or conformed copy of an opinion of counsel, if available, as to the legality of the security being registered.

(14) A balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and, if any part of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant.

SEC. 22. In the case of a non-issuer distribution, information may not be required under section 21 of this act unless it is known to the person filing the registration statement or to the persons on whose behalf the distribution is to be made, or can be furnished by them without unreasonable effort or expense.

Non-issuer distribution, when information required.

SEC. 23. A registration statement by qualification under section 21 of this act becomes effective if no stop order is in effect and no proceeding is pending under sections 28 and 30 of this act, at three o'clock pacific standard time in the afternoon of the fifteenth day after the filing of the registration state-

Registration by qualification statement —When effective—Conditions.

ment or the last amendment, or at such earlier time as the director determines. The director may require as a condition of registration under this section that a prospectus containing any designated part of the information specified in section 21 be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs; but the director shall accept for use under any such requirement a current prospectus or offering circular regarding the same securities filed under the securities act of 1933 or regulations thereunder.

GENERAL PROVISIONS REGARDING REGISTRATION OF SECURITIES

Registration
statement,
generally.

SEC. 24. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer. Any document filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate. The director may by rule or otherwise permit the omission of any item of information or document from any registration statement.

SEC. 25. The director may by rule or order require as a condition of registration by qualification or coordination (1) that any security issued within

the past three years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow for a period not to exceed one year after termination of the offering; and (2) that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere. The director may by rule or order determine the conditions of any escrow or impounding required hereunder but he may not reject a depository solely because of location in another state.

Conditions, registration by qualification or coordination.

SEC. 26. When securities are registered by notification, coordination, or qualification, they may be offered and sold by the issuer, any other person on whose behalf they are registered or by any registered broker-dealer. Every registration shall remain effective until revoked by the director or until terminated upon request of the registrant with the consent of the director. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction.

Registered securities, offer and sale—Duration of registration.

SEC. 27. (1) The director may require the person who filed the registration statement to file reports, not more often than quarterly to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering with respect to registered securities which (a) are issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust as those terms are defined in the investment company act of 1940, or (b) are being offered and sold directly by or for the account of the issuer.

Person filing statement, reports of—Financial statement.

(2) During the period of public offering of securities registered under the provisions of this

act by notification or qualification financial data or statements corresponding to those required under the provisions of sections 16 and 21 of this act and to the issuer's fiscal year shall be filed with the director annually, not less than ninety days after the end of each such year. If such statements are not certified the director may verify them by examining the issuer's books and records.

DENIAL, SUSPENSION AND REVOCATION OF REGISTRATION OF SECURITIES

Stop order
—Grounds.

SEC. 28. The director may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

(1) The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) Any provision of this act or any rule, order, or condition lawfully imposed under this act has been wilfully violated, in connection with the offering by (a) the person filing the registration statement, (b) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (c) any underwriter;

(3) The security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (a) the director may not institute a proceeding against an effective regis-

tration statement under this clause more than one year from the date of the injunction relief on, and (b) he may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(4) The issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(5) The offering has worked or tended to work a fraud upon purchasers or would so operate;

(6) When a security is sought to be registered by notification, it is not eligible for such registration;

(7) When a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by subsection 18 (7) of this act, or

(8) The applicant or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this subsection and he shall vacate any such order when the deficiency has been corrected;

Denial order.

(9) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or compensation or promoters' profits or participation, or unreasonable amounts or kinds of options.

SEC. 29. The director may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

Stop order prohibited, when.

SEC. 30. Upon the entry of a stop order under any part of section 28 of this act, the director shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request

Stop order entered—Procedure thereafter.

the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the director, the director shall enter his written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to the issuer and to the applicant or registrant, shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The director may modify or vacate a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

EXEMPT SECURITIES

Exempt
securities
listed.

SEC. 31. Sections 14 through 30, inclusive, of this act shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal

savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

Exempt securities listed.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or war-

rants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security.

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or professional association.

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

(11) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on the effective date of this act, within sixty days thereafter (or within thirty days before they are reopened if they are closed on the effective date of this act).

EXEMPT TRANSACTIONS

Exempt
transactions
listed.

SEC. 32. Except as hereinafter in this section expressly provided, sections 4 through 30 inclusive of this act shall not apply to any of the following transactions:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

Exempt
transactions
listed.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this act.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment

Exempt
transactions
listed.

company as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offer directed by the offerer to not more than twenty persons (other than those designated in subsection (8) of this section) in this state during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (a) the seller reasonably believes that all the buyers are purchasing for investment, and (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this act and the securities act of 1933 if no stop order or refusal order is in effect and no public pro-

ceeding or examination looking toward such an order is pending under either act.

Exempt transactions listed.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this act by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this act, the burden of proving an exemption from a definition is upon the person claiming it.

(15) The offer or sale by a registered broker-

Exempt
transactions
listed.

dealer, acting either as principal or agent, of securities previously sold and distributed to the public: *Provided*, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics:

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) The director may, in his discretion, exempt by the issuance of a certificate of exemption, transactions whereby interests in oil and gas leases or property are acquired by a partnership or joint enterprise, if the partnership or joint venture file in writing with the department a statement containing the following information:

(1) Proposed plan of operation.

(2) Amount of money to be raised and the amount per subscription.

(3) A copy of proposed subscription.

If said plan appears to be just, fair and equitable, and will not work a fraud upon the public, upon payment to the director of a permit fee of ten dollars, said certificate of exemption may be issued and upon

issuance of said certificate, any such transaction shall be exempt from all of the provisions of this act.

CONSENT TO SERVICE OF PROCESS

SEC. 33. Every applicant for registration as a broker-dealer, investment adviser, or salesman under this act and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common law sense shall file with the director, in such form as he by rule prescribes, an irrevocable consent appointing the director or his successor in office to be the attorney of the applicant to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or it or his successor, executor or administrator which arises under this act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the director, but it is not effective unless (1) the plaintiff, who may be the director in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at it or his last address on file with the director, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

Irrevocable
consent to
service of
process—
Service,
how made.

FEEES

SEC. 34. The following fees shall be paid in advance under the provisions of this act:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be fifty dollars for the first

Fees (in ad-
vance)—Dis-
position.

Fees—
Disposition.

one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars, with maximum of five hundred dollars.

(2) For registration of investment trusts, the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars with a maximum of one thousand dollars.

(3) For registration by coordination, other than investment trusts, the fee shall be twenty-five dollars for initial filing fee for the first twelve month period plus twenty-five dollars for each additional twelve months in which the same offering is continued.

(4) For filing an annual statement, the fee shall be five dollars.

(5) For registration of a broker-dealer or investment adviser, the fee shall be fifty dollars for original registration and twenty-five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(6) For registration of a salesman, the fee shall be ten dollars for original registration with each employer and five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For written examination for registration as a salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be twenty-five dollars.

(8) For certified copies of any documents filed

with the director, the fee shall be the cost to the department.

(9) All fees collected under this act shall be turned in to the state treasury and shall not be refundable, except as herein provided.

MISLEADING FILINGS

SEC. 35. It is unlawful for any person to make or cause to be made, in any document filed with the director or in any proceeding under this act, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

Misleading filings unlawful.

UNLAWFUL REPRESENTATIONS CONCERNING REGISTRATION OR EXEMPTION

SEC. 36. Neither the fact that an application for registration under section 5 of this act, a registration statement under sections 15, 18 or 21 of this act has been filed, nor the fact that a person or security if effectively registered, constitutes a finding by the director that any document filed under this act is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the director has passed in any way upon the merits of qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with this section.

Registration, exemption, not finding—Unlawful to so represent.

INVESTIGATIONS AND SUBPOENAS

SEC. 37. The director in his discretion (1) may make such public or private investigations within or without this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this act

Investigations. Subpoenas, findings, authorized.

or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this act or any rule or order hereunder.

Investigative
rights of
director—
Enforcement.
—Exemption
from criminal
liability.

SEC. 38. For the purpose of any investigation or proceeding under this act, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(2) No person is excused from attending and testifying or from producing any document or record before the director or in obedience to the subpoena of the director or any officer designated by him, or in any proceeding instituted by the director, 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 may 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 claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

INJUNCTIONS

SEC. 39. Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule or order hereunder, he may in his discretion bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond.

Injunctions.

CRIMINAL LIABILITIES

SEC. 40. Any person who wilfully violates any provision of this act except section 35, or who wilfully violates any rule or order under this act, or who wilfully violates section 35 knowing the statement made to be false or misleading in any material respect, shall upon conviction be fined not more than five thousand dollars or imprisoned not more than three years, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this act more than five years after the alleged violation.

Violations,
penalty—
Statute of
limitation.

SEC. 41. The director may refer such evidence as may be available concerning violations of this act or of any rule or order hereunder to the attorney

Instituting
criminal
proceedings.

general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, institute the appropriate criminal proceedings under this act.

Punishment
not exclusive.

SEC. 42. Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

CIVIL LIABILITIES

Civil li-
abilities—
Survival,
limitation
of actions—
Waiver of
act, void.

SEC. 43. (1) Any person, who offers or sells a security in violation of any provisions of sections 14 through 23 of this act, or offers or sells a security by means of fraud or misrepresentation is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at six percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at six percent per annum from the date of disposition.

(2) Every person who directly or indirectly controls a seller liable under subsection (1) above, every partner, officer, or director (or person occupying a similar status or performing similar functions) or employee of such a seller who materially aids in the sale, and every broker-dealer or salesman who materially aids in the sale is also liable jointly and severally with and to the same extent as the seller, unless the nonseller who is so liable sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability

is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(3) Any tender specified in this section may be made at any time before entry of judgment. Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant. No person may sue under this section more than two years after the contract of sale. No person may sue under this section (a) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six percent per annum from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (b) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(4) No person who has made or engaged in the performance of any contract in violation of any provision of this act or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this act or any rule or order hereunder is void.

JUDICIAL REVIEW OF ORDERS

SEC. 44. Any person aggrieved by a final order of the director may obtain a review of the order in the county in which he resides or in any other court of competent jurisdiction by filing in court, within sixty days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition

Judicial
review, pro-
cedure—
Modification
by director.

shall be forthwith served upon the director, and thereupon the director shall certify and file in court a copy of the filing, testimony, and other evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the director or there were reasonable grounds for failure to do so. The findings of the director as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearing before the director, the court may order the additional evidence to be taken before the director and to be adduced upon the hearing in such manner and upon such conditions as the court may consider proper. The director may modify his findings as the facts, by reason of the additional evidence so taken; and he shall file any modified or new findings, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of proceedings under this action does not, unless specifically ordered by the court, operate as a stay of the director's order.

ADMINISTRATION OF ACT

SEC. 45. The administration of the provisions of this act shall be under the department of licenses. The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of this act. No rule or form, may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent

Administra-
tion—Rules
and forms.

with the purposes fairly intended by the policy and provisions of this act. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

SEC. 46. The director shall appoint a competent person to administer this act who shall be designated administrator of securities. The director shall delegate to the administrator such powers, subject to the authority of the director, as may be necessary to carry out the provisions of this act. The administrator shall hold office at the pleasure of the director.

Administrator
of securities
—Duties.

SEC. 47. The administrator, and any person employed by him, shall be paid, in addition to regular compensation, transportation, fare, board, lodging and other traveling expenses necessary and actually incurred by each of them in the performance of their duties under this act: *Provided*, That such sum shall not exceed the amount set by RCW 43.03.050.

Administra-
tor, em-
ployees, ex-
penses and
compensation.

SEC. 48. It is unlawful for the director or any of his officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. The director or any of his officers or employees shall not disclose any such information or the fact that any investigation is being made except among themselves or when necessary or appropriate in a proceeding or investigation under this act. No provision of this act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a

Disclosure,
use, of filed
information,
unlawful.

subpoena directed to the director or any of his officers or employees.

Nonliability,
good faith
acts.

SEC. 49. No provision of this act imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Public
hearings—
Exception.

SEC. 50. Every hearing in an administrative proceeding shall be public unless the director in his discretion grants a request joined in by all the respondents that the hearing be conducted privately.

Documents
filed—Regis-
ter kept—
When public.

SEC. 51. A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under this act and all denial, suspension, or revocation orders which have ever been entered under this act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director prescribes.

Copies
furnished—
As evidence.

SEC. 52. Upon request and at such reasonable charges as he prescribes, the director shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

Interpretative
opinions.

SEC. 53. The director in his discretion may honor requests from interested persons for interpretative opinions.

PROOF OF EXEMPTION

SEC. 54. In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

Exemption,
burden of
proof.

ADVISORY COMMITTEE

SEC. 55. There is hereby created a state advisory committee which shall consist of seven members to be appointed by the director on the basis of their experience and qualifications. The membership shall be selected, insofar as possible, on the basis of giving both geographic representation and representation to all phases of the securities business including the legal and accounting professions.

Advisory
committee.
Appointment.

SEC. 56. (1) The committee shall select a chairman and a secretary from their group.

—Chairman,
secretary—
Meetings.

(2) Regular meetings may be held quarterly, or semiannually, and special meetings may be called by the administrator upon at least seven days' written notice to each committee member sent by regular mail.

SEC. 57. The first members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon the expiration of said original terms subsequent appointment shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

—Members'
terms—
Vacancies.

SEC. 58. The advisory committee shall:

—Duties.

(1) Serve in an advisory capacity to the director on all matters pertaining to this act.

(2) Acquaint themselves fully with the operations of the director's office as to the administration of securities, broker-dealers, salesmen, and investment advisers, and periodically recommend to the

director such changes in the rules and regulations of the department in connection therewith as they deem advisable.

(3) Prepare and publish a mimeographed report on their recommendations.

(4) Appoint three of their members to act as an examining committee. All examinations required by this act shall be conducted in the manner provided in chapter 43.24 RCW. The examining committee shall be subject to the provisions of chapter 43.24 RCW unless otherwise provided by this act.

Committee members reimbursed.

SEC. 59. The advisory committee shall receive no compensation, but shall be reimbursed as provided by law for their transportation, lodging and other expenses: *Provided*, That members acting as an examining committee shall be paid in addition to expenses allowed twenty-five dollars per day for conducting examinations provided for herein.

DEFINITIONS

Definitions.

SEC. 60. When used in this act, unless the context otherwise requires:

"Director."

(1) "Director" means the director of licenses of this state.

"Salesman."

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by subsections 31 (1), (2), (3), (4), (9), (10), or (11) of this act, (b) effecting transactions exempted by section 32 of this act, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a broker-

dealer or issuer is a "salesman" only if he otherwise comes within this definition.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

"Broker-dealer."

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

"Guaranteed."

(5) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or

"Investment adviser."

Definitions.

financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by subsection 31 (1) of this act, (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

"Issuer."

(6) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

"Nonissuer."

(7) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

"Person."

(8) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated or-

ganization, a government, or a political subdivision of a government.

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

"Sale," "sell."

"Offer," "offer to sell."

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(10) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after the effective date of this act.

Securities acts enumerated.

(11) "Security" mean any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; pre-organization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security," or

"Security."

Definitions.

any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

"State."

(12) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

STATUTORY POLICY

Construction.

SEC. 61. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it and to coordinate the interpretation and administration of this act with the related federal regulation.

SEVERABILITY OF PROVISIONS

Severability.

SEC. 62. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

REPEAL AND SAVING PROVISIONS

Saving—Civil,
criminal
proceedings.

SEC. 63. Prior law exclusively governs all suits, actions, prosecutions, or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before the effective date of this act, except that no civil suit or action may be maintained to enforce any liability under prior law unless brought within any period of limitation which applied when the cause of action accrued and in any event within two years after the effective date of this act.

SEC. 64. All effective registrations under prior law and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if they had become effective under this act. They are considered to have been filed, entered, or imposed under this act. All dealers who are duly registered as brokers and all salesmen and issuers' agents who are duly registered as agents under said securities act, mining act or oil and mining leases act, on the effective date of this act shall be deemed to be duly registered under and subject to the provisions of this act, such registration to expire on the 30th day of June of the year in which this act becomes effective and to be subject to renewal as provided in this act.

Saving—
Prior effective
registration.

SEC. 65. Prior law applies in respect to any offer or sale made within one year after the effective date of this act pursuant to an offering begun in good faith before its effective date on the basis of an exemption available under prior law.

Application
of prior
law.

SEC. 66. Judicial review of all administrative orders as to which review proceedings have not been instituted by the effective date of this act are governed by section 44 of this act except that no review proceeding may be instituted unless the petition is filed within any period of limitation which applied to a review proceeding when the order was entered and in any event within sixty days after the effective date of this act.

Judicial
review of
prior orders.

SEC. 67. Nothing in this act shall in any way limit the provisions of RCW 48.06.030.

RCW 48.06.030
not limited.

SEC. 68. The following acts and parts of acts are hereby repealed:

Repeal.

(1) Chapter 69, Laws of 1923; chapter 97, Laws of 1935; chapter 182, Laws of 1937; chapter 124, Laws of 1939; chapter 169, Laws of 1943; chapter 231, Laws of 1943; chapter 189, Laws of 1947; chapter 150, Laws

of 1949; chapter 230, Laws of 1951; and RCW 21.04-.010 through 21.04.220; and

(2) Chapter 178, Laws of 1937; chapter 64, Laws of 1951; and RCW 21.08.010 through 21.08.120; and

(3) Chapter 110, Laws of 1939 and RCW 21.12-.010 through 21.12.080.

SHORT TITLE

Short title.

SEC. 69. This act shall be known as "The Securities Act of Washington."

Passed the Senate March 8, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 283.

[S. B. 375.]

RAILROADS—GRADE CROSSINGS.

AN ACT relating to railroad grade crossings; amending section 3, chapter 310, Laws of 1955 and RCW 81.52.100; amending section 1, chapter 30, Laws of 1913, section 1, chapter 161, Laws of 1941 and RCW 81.52.080; adding new sections to chapter 30, Laws of 1913 and to chapter 81.52 RCW; repealing section 8, chapter 310, Laws of 1955 and RCW 47.36.055.

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

RCW 81.52.100 amended.

SECTION 1. Section 3, chapter 310, Laws of 1955 and RCW 81.52.100 are each amended to read as follows:

Petition for crossing —Hearing —Order.

Whenever any railroad company desires to cross any highway or railroad at grade, it shall file a written petition with the commission setting forth the reasons why the crossing cannot be made either above or below grade, and whenever the county commissioners of any county, or the municipal authorities of any city, or the state officers authorized to lay out and construct state roads, or state parks committee, desire to extend any highway across any

railroad at grade, they shall file a written petition with the commission, setting forth the reasons why the crossing cannot be made either above or below grade. Upon receiving such petition the commission shall immediately investigate it, giving at least ten days' notice to the railroad company and the county or city affected thereby, of the time and place of such investigation, to the end that all parties interested may be present and heard. If the highway involved is a state road or parkway, the director of highways or state parks committee shall be notified of the time and place of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If it finds that it is not practicable to cross the railroad or highway either above or below grade, the commission shall enter a written order in the cause, either granting or denying the right to construct a grade crossing at the point in question. The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. In respect to existing railroad grade crossings over highways the construction of which grade crossings was accomplished other than pursuant to a commission order authorizing the same, the commission may in any event require the railroad company to install and maintain, at or near each crossing, on both sides thereof, a sign known as the sawbuck crossing sign with the lettering "Railroad Crossing" inscribed thereon with a suitable inscription indicating the number of tracks. Such a sign shall be of standard design conforming to specifications furnished by the Washington state highway commission.

SEC. 2. Section 1, chapter 30, Laws of 1913 and section 1, chapter 161, Laws of 1941 (heretofore

RCW 81.52.080
amended.

combined and codified as RCW 81.52.080) are each amended to read as follows:

Definitions.

As used in RCW 81.52.090 to 81.52.300, inclusive and sections 3 to 5 of this amendatory act, inclusive:

"Highway."

"Highway" means all state and county roads, streets, alleys, parkways, and other public places used for travel by the public;

"Railroad."

"Railroad" includes all logging or industrial railroads;

"Logging or industrial railroad."

"Logging or industrial railroad" means a railway owned or operated primarily for the purpose of carrying the property of its owners or operators, or a limited class of persons, with all tracks, spurs, and sidings used in connection therewith;

"Over-crossing."

"Over-crossing" means any point or place where a highway crosses a railroad by passing above it;

"Under-crossing."

"Under-crossing" means any point or place where a highway crosses a railroad by passing under it;

Crossings not at grade.

"Over-crossing" or "under-crossing" shall also mean any point or place where one railroad crosses another railroad not at grade;

"Grade crossing."

"Grade crossing" means any point or place where a railroad crosses a highway or a highway crosses a railroad or one railroad crosses another, at a common grade.

New section.

SEC. 3. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows:

Railroad signals, warning devices. Procedure to obtain—Cost apportioned.

Whenever the director of highways or the governing body of any city, town or county shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the public service commission a petition in writing, alleging that the public

safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall set the matter for hearing, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall find from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make findings to that effect and enter an order denying said petition in toto. If the commission shall find from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make findings to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing receive evidence as to the benefits to be derived by the railroad and the public, respectively, and shall on the basis of such benefits apportion the entire cost, including installation, of such signals or other warning devices, other than sawbuck signs, between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state: *Provided*, That the commission shall in no case apportion more than fifty percent of the cost of such installation or change in existing warning devices

Procedure to obtain—Cost apportioned.

Procedure
to obtain—
Cost appor-
tioned.

to the public body involved nor shall the commission require the public body involved to pay its share of the cost so apportioned sooner than one year from the date of the order: *And provided further*, That no railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof. Nothing herein shall be deemed to foreclose the right of the interested parties to enter into an agreement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost thereof.

The investigation herein authorized may be instituted by the commission on its own motion, and the proceedings, hearing and determination thereon shall be the same as herein provided for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the investigation herein provided for and no finding, conclusion or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result of any such investigation.

Any order entered by the public service commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through RCW 81.04.190.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to provide adequate protective devices at any such crossing.

SEC. 4. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows: New section.

The governing body of any city or county may petition the public service commission requesting the commission to allocate to the city or county such funds as are needed by the city or county to defray the cost of installing railroad grade crossing signals and warning devices on city streets, highways or county roads. The petition shall set forth by description the location of the crossing or crossings, the type of signal or warning device to be installed, the necessity from the standpoint of public safety for such installation and the approximate cost of installation, the ability of the city or county to finance such installation from other funds available to it and such other information as will enable the commission to determine the necessity for such installation and the requirement for the allocation by the commission of funds to assist in such installation. —Petition to commission for allocation of funds for.

SEC. 5. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows: New section.

Upon receipt of a petition as provided for in section 4 of this amendatory act and upon finding (1) the public safety requires the installation of such signals or warning devices; (2) the need exists for an allocation of funds to effect such installation; (3) the circumstances and conditions at the crossing or crossings in question, when considered with the circumstances and conditions at grade crossings generally throughout the state, are such as to warrant an allocation of funds at that time and (4) all other matters necessary to the installation thereof have been resolved or provided for, the commission may allocate from any fund available to the commission from appropriations made for the purpose of carrying out the provisions of this act up to one- —Equitable allocations authorized, when.

half of the cost of the city's or county's share of installing such signals or warning devices. The commission may make such investigation including the holding of a hearing as it may deem necessary before taking any action on the petition. The commission may adopt reasonable rules and regulations to effectuate the making of equitable allocations.

New section.

SEC. 6. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows:

—Payment,
audit, of
allocations
for.

At the time the commission makes each allocation under section 5 of this amendatory act it shall certify such to the state auditor. The public body involved shall present claims for reimbursement of the state's share of the cost of the projects under such allocations to the state auditor for payment. The state auditor shall make such audit as he deems necessary before or after disbursement for the purpose of determining that the money allocated has been expended for the purpose and under the conditions authorized under this amendatory act.

Inoperative,
where.

SEC. 7. This act shall not be operative within the limits of first class cities.

Repeal.

SEC. 8. Section 8, chapter 310, Laws of 1955 and RCW 47.36.055 are each hereby repealed.

Passed the Senate February 25, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 284.

[S. B. 76.]

MOTOR VEHICLE OPERATORS' LICENSES

AN ACT relating to motor vehicles; amending section 55, chapter 188, Laws of 1937 as amended by section 2, chapter 221, Laws of 1953, and RCW 46.20.120; amending section 57, chapter 188, Laws of 1937 as amended by section 1, chapter 151, Laws of 1943 and RCW 46.20.130; and amending section 1, chapter 26, Laws of 1943 as amended by section 1, chapter 23, Laws of 1953 and RCW 46.20.150.

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

SECTION 1. Section 55, chapter 188, Laws of 1937 as amended by section 2, chapter 221, Laws of 1953 and RCW 46.20.120 are each amended to read as follows:

RCW 46.20.120
amended.

No new vehicle operator's license shall be issued and no previously issued license shall be renewed until the applicant therefor has submitted to and qualified by a vehicle operator's examination: *Provided*, That the director may waive the examination of any person applying for the renewal of an operator's license issued under the laws of this state, except when the director has reason to believe that an applicant for an operator's license is not qualified to hold an operator's license under this act. For an original examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to an operator who has not been previously licensed in this state or to an operator whose last previous Washington license expired over four years prior to date of application.

New applicants to be examined—
Fee—New license, defined.

SEC. 2. Section 57, chapter 188, Laws of 1937, as amended by section 1, chapter 151, Laws of 1943 and RCW 46.20.130 are each amended to read as follows:

RCW 46.20.130
amended.

The director shall prescribe the content of the vehicle operator's license examination and the man-

Examinations
—Contents—
How con-
ducted.

ner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.24, and 46.28 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways:

Provided, Bail forfeitures or warning tickets shall not be considered.

Vetoed.

RCW 46.20.150 amended.

SEC. 3. Section 1, chapter 26, Laws of 1943 as amended by section 1, chapter 23, Laws of 1953 and RCW 46.20.150 are each amended to read as follows:

Reexamination required in certain cases.

Whenever the director has reasonable cause to believe, that the holder of a motor vehicle operator's license is or has become a faulty and unsafe driver of a motor vehicle or may become such because of physical, mental, or other defects, he may require the licensee to submit to a reexamination as to his qualifications to operate a motor vehicle. Reexamination authority may be delegated by the director to license examining officers at various examining stations of anyone deemed a faulty or unsafe driver as described above.

The director may require persons within certain age groups to be reexamined periodically if accident and violation reports in the department or in the state patrol indicate a disproportionate percentage of unsafe drivers in such age groups.

Subject to the provisions of section 1 of this act and except as provided in this section, the holders of

valid motor vehicle operators' licenses shall not be required to be reexamined.

Should any licensee be dissatisfied with any decision of the director or other officer specified in this section he shall have the right to appeal therefrom to the superior court of Thurston county, or at his option to the superior court of the county of his residence.

Passed the Senate February 23, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959, with the exception of a certain unnumbered item of subsection (3) of section 2, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"Senate Bill No. 76 is an enactment clarifying the power of the Director of Licenses with reference to the issuance of vehicle operators' licenses.

Veto message,
excerpt.

"The Director is required to examine applicants for licenses as to their eyesight, their knowledge of traffic laws and as to their ability to operate a motor vehicle. I am in sympathy with the provisions of this bill. The unnumbered item of section 2, subsection (3) of this act reads as follows:

"* * * PROVIDED, Bail forfeitures or warning tickets shall not be considered."

"The Washington State Patrol, the Department of Licenses and the Attorney General have requested me to veto the unnumbered item because bail forfeiture and warning tickets on many occasions may relate to serious moving violations and the number of such violations may be so numerous as to warrant the Director of Licenses not to issue a driver's license to the offending party.

"I am in agreement with these views. By striking the item, it is left to the discretion of the Director whether or not bail forfeitures and warning tickets are so serious or so numerous as to warrant denial of license.

"For the foregoing reasons, the unnumbered item is vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 285.

[S. B. 310.]

PUBLIC SERVICE COMPANIES—EXCESS EARNINGS.

AN ACT relating to the Washington public service commission; and amending section 14, chapter 165, Laws of 1933 and RCW 80.04.360 and 81.04.360.

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

SECTION 1. Section 14, chapter 165, Laws of 1933 (heretofore divided and codified as RCW 80.04.360 and 81.04.360) is divided and amended as set forth in sections 2 and 3 of this act.

RCW 80.04.360 amended.

Excessive earnings considered in fixing rates—Public utilities.

SEC. 2. (RCW 80.04.360) If any public service company earns in the period of five consecutive years immediately preceding the commission order fixing rates for such company a net utility operating income in excess of a reasonable rate of return upon the fair value of its property used and useful in the public service, the commission shall take official notice of such fact and of whether any such excess earnings shall have been invested in such company's plant or otherwise used for purposes beneficial to the consumers of such company and may consider such facts in fixing rates for such company: *Provided*, That the terms of this amendatory section shall not affect any pending court proceeding.

RCW 81.04.360 amended.

Excessive earnings considered in fixing rates—Transportation.

SEC. 3. (RCW 81.04.360) If any public service company earns in the period of five consecutive years immediately preceding the commission order fixing rates for such company a net utility operating income in excess of a reasonable rate of return upon the fair value of its property used and useful in the public service, the commission shall take official notice of such fact and of whether any such excess earnings shall have been invested in such company's plant or otherwise used for purposes beneficial to the consumers of such company and may consider

such facts in fixing rates for such company: *Provided*, That the terms of this amendatory section shall not affect any pending court proceeding.

Passed the Senate March 4, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 286.

[S. B. 341.]

APPROPRIATION—LEGISLATIVE BUDGET COMMITTEE.

AN ACT relating to the legislative budget committee; and making an appropriation.

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

SECTION 1. There is hereby appropriated from the general fund to the legislative budget committee one hundred six thousand nine hundred thirty-three dollars, or so much thereof as shall be required for the operation of said committee during the biennium ending June 30, 1961. Appropriation.

Passed the Senate March 3, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 287.

[S. B. 380.]

WESTERN INTERSTATE COMPACT ON CORRECTIONS.

AN Act authorizing this state to enter into the Western Interstate Compact on Corrections relating to the confinement of convicted persons in this state and states party to the compact; authorizing the director of the department of institutions to contract with compact states; authorizing the director and board of prison terms and paroles to conduct out of state hearings in relation to inmates of this state and provisions for release of inmates of this state in other states.

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

Compact enacted, entered into.

SECTION 1. The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT.

ARTICLE I.

PURPOSE AND POLICY.

Purpose, policy.

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

ARTICLE II.

Compact.
Definitions.

DEFINITIONS.

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States, the Territory of Hawaii, or, subject to the limitation contained in Article VII, Guam. "State."

(b) "Sending state" means a state party to this compact in which conviction was had. "Sending state."

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had. "Receiving state."

(d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution. "Inmate."

(e) "Institution" means any prison, reformatory or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined. "Institution."

ARTICLE III.

CONTRACTS.

Contracts.

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

Compact.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV.

PROCEDURES AND RIGHTS.

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institu-

Procedures,
rights.

tion within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

Compact.
Procedures,
rights.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the

Compact.
Procedures,
rights.

sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this subdivision shall be borne by the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory. Compact.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V.

ACTS NOT REVIEWABLE IN RECEIVING STATE; EXTRADITION.

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or de-

Sending states
acts not re-
viewable in
receiving
state—
Extradition.

Compact.

tention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI.

FEDERAL AID.

Federal aid.

Any state party to this compact may accept federal aid for use in connection with an institution or program, the use of which is or may be affected by this compact or any contract pursuant thereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision; provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII.

ENTRY INTO FORCE.

Compact, effective when.

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana,

Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of Congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

ARTICLE VIII.

WITHDRAWAL AND TERMINATION.

Withdrawal,
termination.

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX.

OTHER ARRANGEMENTS UNAFFECTED.

Other
arrangements
unaffected.

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have

Compact.

with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X.

Construction,
severability.

CONSTRUCTION AND SEVERABILITY.

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Authorization
to director
(institutions).

SEC. 2. The director of the department of institutions is authorized to receive or transfer an inmate as defined in Article II (d) of the Western Interstate Corrections Compact to any institution as defined in Article II (e) of the Western Interstate Corrections Compact within this state or without this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to Article III of the Western Interstate Corrections Compact.

Enforcement.

SEC. 3. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and sub-

mission of such reports as are required by the compact.

SEC. 4. The director and members of the board of prison terms and paroles are hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV (f) of the Western Interstate Corrections Compact. Additionally, the director and members of the board of prison terms and paroles may hold out of state hearings in connection with the case of any inmate of this state confined in an institution of another state party to the Western Interstate Corrections Compact.

Authorization to board (prison terms and paroles).

SEC. 5. The director of the department of institutions is hereby empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the attorney general.

Director's (institutions) contract authorization.

SEC. 6. If any agreement between this state and any other state party to the Western Interstate Corrections Compact enables the release of an inmate of this state confined in an institution of another state to be released in such other state in accordance with Article IV (g) of this compact, then the director is authorized to provide clothing, transportation and funds to such inmate in accordance with the provisions of RCW 72.08.343.

Authority to implement RCW 72.08.343.

SEC. 7. The provisions of this act shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this act and the applicability thereof to any other state, agency, person or circumstance

Severability.

shall, with respect to all severable matters, not be affected thereby. It is the legislative intent that the provisions of this act be reasonably and liberally construed.

Passed the Senate March 3, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 288.

[S. B. 388.]

CONGRESSIONAL DISTRICTS.

AN ACT relating to congressional districts; amending section 6, chapter 149, Laws of 1957 and RCW 29.68.005; repealing sections 4 and 5, chapter 149, Laws of 1957 and RCW 29.68.061 and 29.68.065; and adding two new sections to chapter 149, Laws of 1957 and to chapter 29.68 RCW.

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

RCW 29.68.005 amended.

SECTION 1. Section 6, chapter 149, Laws of 1957 and RCW 29.68.005 are each amended to read as follows:

Date precinct boundaries established.

The boundaries of precincts included in the first, second, third, fourth, and fifth congressional districts shall be those established as of November 6, 1956; the boundaries of precincts included in the sixth and seventh districts shall be those established as of November 4, 1958.

New section.

SEC. 2. There is added to chapter 149, Laws of 1957 and to chapter 29.68 RCW a new section to read as follows:

Sixth district, boundaries, representation.

Pierce county and all of Kitsap county exclusive of Bainbridge Island shall constitute the sixth congressional district and shall be entitled to one representative in the Congress of the United States.

SEC. 3. There is added to chapter 149, Laws of 1957 and to chapter 29.68 RCW a new section to read as follows:

New section.

The following precincts shall constitute the seventh congressional district and shall be entitled to one representative in the Congress of the United States:

Seventh district, boundaries, representation.

(1) Seattle precincts 31-1 through 31-112, 33-1 through 33-90, 34-1 through 34-100, 35-1 through 35-51, 35-57 through 35-62 and 37-1 through 37-78;

(2) The following King county precincts: Alder, Ambaum, Anthony, Avon, Bangor, Beverly, Boeing, Bow Lake, Brooklyn, Burien, Burton, Cecelia, Cedarhurst, Center, Cork, Cove, Crescent, Dilworth, Dockton, Dolphin, Donegal, Down, Dublin, Dunmore, Duwamish, East Seattle, Emeline, Evansvale, Evergreen, Fern, Five Corners, Florina, Francis, Fruitland, Garrett, Glasgow, Greendale, Gregory Heights, Hayes, Hazel Valley, Heights, Helen, Hestia, Highline, Huntington, Isabella, Island, Jane, Josephine, Joyce, Juniper, Katherine, Kerry, Kildare, Kilpatrick, Lake, Lakeview, Lakewood, Lilac, Lillian, Limerick, Lisabuela, Londonderry, Longford, Lynmar, McGilvra, McKinley, Madrona, Manhattan, Margaret, Marian, Marine View, Marlene, Maury, Mercer, Military Road, Monterey, Mount View, Meyers Way, Nokomis, Norma, Normandy Park No. 1 through Normandy Park No. 5, North Burien, North Hill, North Riverton, Pilgrim, Plato, Qualheim, Quartermaster, Regal, Rendini, Roanoke, Roscommon, Roseburg, St. Helens, Salmon Creek, San Juan, Seahurst, Seaview, Seneca, Seola, Shannon, Shorewood, South Park, Southern Heights, Stimson Park, Sunnybank, Sunnysdale, Sunnywood, Sylvan, Sylvester, Taft, Three Tree Point, Tipperary, Ursina, Valona, Vashon, Victory, Vista, Waterford, White Center, Wicklow, Wildwood, Wilson, Woodside and Wynona;

Seventh
district,
boundaries,
represent-
ation.

(3) The following King county precincts: Aaron, Airport, Algona No. 1, Algona No. 2, Allen, Allentown, Angle Lake, Antrim, Arlene, Arthur, Athlone, Auburn No. 1 through Auburn No. 15, Bayview, Beaver Lake, Bellevue No. 18, Benson, Betty, Big Soos, Birch, Bishop, Black Diamond, Blueberry Lake, Boise, Boren, Bossert, Boulevard Park, Bow Vista, Bryn Mawr, Buenna, Calhoun, Campbell Hill, Carleton, Cascade, Cedar Falls, Cedar Mountain, Cedar River, Charlotte, Christopher, Coalfield, Cork, Cougar Mountain, Covington, Cumberland, Dallas, Delano, Des Moines, Dolloff, Douglas, Duncan, Dunlap, Durham, Earlington, Eastgate, East Hill, Edna, Ellinson, Elliott, Eloise, Emerald, Enumclaw No. 1, Enumclaw No. 2, Enumclaw No. 3, Enumclaw No. 4, Enumclaw No. 5, Esther, Factoria, Fall City, Farmer, Federal Way, Fenwick, Ferdinand, Fillmore, Ford, Foster, Franklin, Fuller, Galway, Gilbert, Gilman, Gorge, Greenacres, Green River, Grover, Harding, Hazelwood, Hillcrest, Hillman, Hilltop, Hobart, Honey Dew, Horizon, Inglewood, Irma, Issaquah No. 1, Issaquah No. 2, Jefferson, Jovita, Kelly, Kent No. 1 through Kent No. 8, Kennydale, Krain, Lakehaven, Lake Hills, Lakeland, Lakeridge, Lakota, Lea Hill, Lester, Liberty, Lila, Lincoln, Little Soos, McMicken, Mabel, Macadam, Madison, Marie, Martha, May Creek, May Valley, Meadowbrook, Meeker, Meridian, Midway, Mildred, Mirror Lake, Monohon, Mount Si, Muckleshoot, Nell, Newcastle, Newport, Ninety-nine, Norpac, North Bend No. 1, North Bend No. 2, O'Brien, Olga, Orchard, Orillia, Osceola, Pacific No. 1, Pacific No. 2, Palmer, Panther Lake, Patterson, Phantom Lake, Pine Lake, Pine Tree, Pipe Line, Preston, Rainier, Ramona, Ravensdale, Redondo, Renthree, Renton No. 1 through Renton No. 26, Rita, Riverton, Robin Hood, Robinswood, Roosevelt, Rowell, Russell, St. George, Salt Water, Sammamish, Sawyer, Sea Cliff, Sham-

rock, Shaughnessy, Showalter, Shuffleton, Skyway, Snoqualmie No. 1, Snoqualmie No. 2, Sno-Valley, Soos Creek, Springbrook, Spring Glen, Squak Mountain, Star Lake, Steelhead, Steel Lake, Sterling, Stuck, Sunnycrest, Sunrise, Sunset, Tanner, Thomas, Thorndyke, Tiger Mountain, Tralee, Tukwila No. 1, Tukwila No. 2, Tukwila No. 3, Tyler, Valley, Val-Vue, Vivian, Vuecrest, Wabash, Wallace, Warren, Wayne, Webster, White River, Wilderness, Willow Ridge, Woodmont, Wynoche and Zenith.

SEC. 4. Sections 4 and 5, chapter 149, Laws of 1957 and RCW 29.68.061 and 29.68.065 are each repealed. **Repeal.**

Passed the Senate March 6, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 289.

[S. B. 36.]

CITIES AND TOWNS—UNCLAIMED PERSONAL PROPERTY.

AN ACT relating to unclaimed personal property and moneys; and adding a new section to chapter 385, Laws of 1955 and to chapter 63.28 RCW.

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

SECTION 1. There is added to chapter 385, Laws of 1955 and to chapter 63.28 RCW a new section to read as follows: **New section.**

The provisions of chapter 63.28 RCW shall not apply to unclaimed property or moneys in the possession of any city or town or a department or agency thereof. **Excluded under chapter.**

SEC. 2. Whenever any unclaimed personal property or moneys in the possession of the governing authority of any city or town, or department or

Unclaimed
property
possessed by
city or town.
Notice of.

agency thereof, have not been claimed for a period of one year or more from the date the property first came into such possession or from the date the moneys first became payable or returnable, the governing authority shall cause a notice to be published at least once a week for two successive weeks in a newspaper of general circulation in the county in which such city or town is located. The notice shall set forth the name, if known, and the last known address, if any, of each person appearing from the records of the governing authority to be the owner of any such unclaimed money or personal property; a brief statement concerning the amount of money or a description of the personal property; and the name and address of the governing authority, department or agency possessing the money or personal property and the place where it may be claimed.

—Unclaimed
property sold
—Notice of
sale.

SEC. 3. If the owner of, or other person having a claim to, any such personal property or money does not claim the property or money within ninety days after the last date the notice was published, such governing authority shall cause any such personal property to be sold at public auction pursuant to a public notice published in a newspaper of general circulation within the city or town at least ten days prior thereto. The notice shall state the day, time, and place of sale and contain a description of the personal property to be sold.

—Disposition
of proceeds.

SEC. 4. The proceeds from the sale of any such personal property less the expenses of advertising and sale together with any unclaimed moneys, less the expenses of advertising, shall accrue to the city or town fund pertaining to the department or agency from whose functions the unclaimed personal property or moneys was derived. If there is no such fund or the unclaimed personal property or moneys was not derived from any particular department or

agency of a city or town, then the proceeds of any such sale or such moneys shall accrue to the current expense fund of the city or town.

Passed the Senate March 6, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 290.

[Sub. S. B. 170.]

BOND ELECTIONS.

AN ACT relating to bond elections; amending section 3, chapter 23, Laws of 1951 second extraordinary session, as last amended by section 1, chapter 32, Laws of 1957, and RCW 84.52.052; and section 4, chapter 23, Laws of 1951 second extraordinary session and RCW 84.52.056; amending sections 1 and 3, chapter 13, Laws of 1925 and RCW 39.40.010 and 39.40.030; and repealing section 15, chapter 58, Laws of 1957.

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

SECTION 1. Section 3, chapter 23, Laws of 1951, second extraordinary session, as last amended by section 1, chapter 32, Laws of 1957, and RCW 84.52.052 are each amended to read as follows:

RCW 84.52.052
amended.

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year 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, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on Decem-

Property
taxes. Excess
levies au-
thorized—
When—
Procedure.

Excessive
levies au-
thorized—
When—
Procedure.

ber 6, 1932; but this millage limitation 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. Any county, school district, metropolitan park district, park and recreation district in Class AA counties, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in Class AA counties, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection 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 twice 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, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in Class AA counties, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town, by giving notice thereof by publication 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 must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for school district purposes or for cities and towns at any such special election of any school district or of any city or town must constitute not less than forty percent of the voters in said taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district.

Note: See also section 8, chapter 304, Laws of 1959.

SEC. 2. Section 4, chapter 23, Laws of 1951 second extraordinary session, and RCW 84.52.056 are each amended to read as follows:

RCW 84.52.056 amended.

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 in RCW 84.52.050 to 84.52.056, inclusive. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Excess levies for capital purposes authorized.

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 in RCW 84.52.050 to 84.52.056, inclusive.

RCW 39.40.010 amended.

SEC. 3. Section 1, chapter 13, Laws of 1925 and RCW 39.40.010 are each amended to read as follows:

Bond elections. Fifty percent poll of votes required.

No general obligation bonds of any county, port district, or metropolitan park district upon which a vote of the people is required under existing laws shall be issued, nor shall they become a lien upon the taxable property within such county or district unless, in addition to all other requirements provided by law in the matter of the issuance of general obligation bonds by such county or district, the total vote cast upon such proposition shall exceed fifty percent of the total number of voters voting in such county or district at the general county or state election next preceding such bond election.

RCW 39.40.030 amended.

SEC. 4. Section 3, chapter 13, Laws of 1925 and RCW 39.40.030 are each amended to read as follows:

Certification of votes—Canvass.

The election officials in each of the precincts included within any such district shall, as soon as possible and in no case later than five days after the closing of the polls of any election involving the issuance of bonds, certify to the county auditor of the county within which such district is located the total number of votes cast for and against each separate proposal and the vote shall be canvassed and certified by a canvassing board consisting of the chairman of the board of county commissioners, the county auditor, and the prosecuting attorney who shall declare the result thereof.

Repeal.

SEC. 5. Section 15, chapter 58, Laws of 1957 is repealed.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 291.

[Sub. S. B. 330.]

WEIGHTS AND MEASURES.

AN ACT relating to weights and measures; providing penalties; repealing sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23 and 24, chapter 194, Laws of 1927 and RCW 19.92.005, 19.92.010, 19.92.015, 19.92.020, 19.92.030, 19.92.060, 19.92.070, 19.92.130, 19.92.140, 19.92.150, 19.92.160, 19.92.180, 19.92.190, 19.92.200, 19.92.220, 19.92.230, 19.92.250, 19.92.260, 19.92.270, and 19.92.280; repealing section 22, chapter 194, Laws of 1927, as amended by section 2, chapter 104, Laws of 1945 and RCW 19.92.080; repealing section 12, chapter 194, Laws of 1927, as amended by section 1, chapter 167, Laws of 1937 and RCW 19.92.090; repealing sections 1 and 2, chapter 138, Laws of 1945 and RCW 19.92.170 and 19.92.171; repealing section 11, chapter 194, Laws of 1927, as amended by section 1, chapter 104, Laws of 1945 and RCW 19.92.210.

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

SECTION 1. For the purpose of this act:

Definitions.

(1) "Department" means the department of agriculture of the state of Washington. "Department."

(2) "Director" means the director of the department or his duly appointed representative. "Director."

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. "Person."

(4) "Weights and measures" means weights and measures of every kind, instruments and devices for weighing and measuring, and every appliance and accessory associated with any or all such instruments and devices. "Weights and measures."

(5) "City" means a city of the first class with a population of over fifty thousand persons. "City."

(6) "City sealer" means the sealer of weights and measures of a city. "City sealer."

(7) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained "Cord."

in a space of one hundred and twenty-eight cubic feet, when the wood is ranked and well stowed.

"Ton."

(8) "Ton" means a unit of two thousand pounds avoirdupois weight.

"Intrastate commerce."

(9) "Intrastate commerce" means any and all commerce that is begun, carried on, and completed wholly within the state and subject to the jurisdiction thereof, and shall include the operation of any business or service establishment.

Systems recognized.

SEC. 2. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the national bureau of standards, are recognized and shall govern weighing and measuring equipment and transactions in the state.

Standards adopted by state.

SEC. 3. Weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards, shall, when the same shall have been certified as such by the national bureau of standards, be the state standards of weight and measure. The state standards shall be kept in a place designated by the director and shall not be removed from the said place except for repairs or for certification: *Provided*, That they shall be submitted at least once in ten years to the national bureau of standards for certification. The state standards shall be used only in verifying the office standards and for scientific purposes.

SEC. 4. The director shall acquire by purchase at least one complete set of copies of the state stand-

ards provided for in section 3 of this act, to be kept in a place designated by the director and to be known as office standards, and also such field standards and other equipment as may be found necessary to carry out the provisions of this act. The office standards and field standards shall be verified upon their initial receipt and at least once each year thereafter, the office standards by direct comparison with the state standards and the field standards by comparison with the office standards.

Office and
field stand-
ards.

SEC. 5. The director shall be the state sealer of weights and measures and he shall have the custody of the state standards of weights and measures and of the other standards and equipment provided for in this act. The director shall have general supervision over city sealers of weights and measures and over the weights and measures offered for sale, sold, or in use in the state.

Director,
state sealer
and custodian
of standards.

SEC. 6. The director shall enforce the provisions of this act and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the purposes of this act. Such rules and regulations shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of approval and rejection to be used by the director and city sealers in the discharge of their official duties, (3) exemptions from the sealing or marking requirements of section 12 of this act with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, and (4) exemptions from the requirements of sections 7 and 8 of this act for annual testing, and schedules fixing the frequency of required re-

Enforcement
—Rules, reg-
ulations.

tests for classes of devices so exempted, with respect to classes of weights and measures found to be of such character that annual re-testing is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in section 8 of this act, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, second edition as published at the time of the enactment of this act shall be the specifications, tolerances and regulations for commercial weighing and/or measuring devices of the state. The director may at his discretion adopt, by regulation, any supplement to the national bureau of standards Handbook 44 second edition or any subsequent similar publication by such bureau. For the purposes of this act, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect."

Specifications, tolerances and regulations designated.

"Correct" apparatus.

Inspection, test of standards, when.

SEC. 7. The director shall test the standards of weight and measure procured by any city for which the appointment of a sealer of weights and measures is provided by this act, at least once every five years, and shall approve the same when found to be correct, and he shall inspect such standards at least once every two years. He shall at least once annually test all weights and measures used in

checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report his findings, in writing, to the executive officer of the institution concerned.

SEC. 8. If not otherwise provided by law, the director shall have the power to inspect and test to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the director, except in cities for which city sealers of weights and measures have been appointed as provided for in this act, at least annually, and as often as he may deem necessary, to inspect and test to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure, (2) in computing the basic charge or payment for services rendered on the basis of weight or of measure, or (3) in determining weight or measurement when a charge is made for such determination: *Provided*, That with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lots of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots.

Inspection,
test of weights
and measures,
when.

SEC. 9. The director shall investigate complaints made to him concerning violations of the provisions

Investigations
by director.

of this act, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

Inspections
determining
conformity
with law—
Tagging—
Off sale
orders.

SEC. 10. The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery to determine whether the same contain the amounts represented and whether they be kept, offered, exposed for sale or sold in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the director may order them off sale and may mark, tag or stamp them in a manner prescribed by him. No person shall (1) sell, keep, offer or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section unless and until such package or amount of commodity has been brought into full compliance with legal requirements or (2) dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements in any manner except with the specific approval of the director.

Stop-use,
stop-removal
and removal
orders.

SEC. 11. The director shall have the power to issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, exposed for sale, sold or in process of delivery, whenever in the course of his enforce-

ment of the provisions of this act and/or rules and regulations adopted hereunder he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified or fail to remove from the premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued under the authority of this section.

SEC. 12. The director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be "correct" as defined in section 6 of this act and shall reject and mark or tag as "rejected" such weights and measures as he finds upon inspection or test to be "incorrect" as defined in section 6 of this act, but which in his best judgment are susceptible of satisfactory repair: *Provided*, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the director issued under the authority of section 6 of this act. The director may reject or seize any weights and measures found to be incorrect that, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by section 20 of this act or if used or disposed of contrary to the requirements of section 20 of this act.

Approval,
rejection,
weights and
measures—
Tagging—
Destruction.

SEC. 13. (1) With respect to the enforcement of this act and any other acts dealing with weights and measures that he is, or may be empowered to enforce, the director is authorized to arrest any violator of the said act, and to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodities to be used,

Inspection,
arrest and
seizure
authorized.

retained, offered, exposed for sale or sold in violation of the law.

(2) In the performance of his official duties the director is authorized at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes. Should the director be denied access to any premises or establishment where such access was sought for the purposes set forth in this section, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

Powers,
duties may
be delegated.

SEC. 14. The powers and duties given to and imposed upon the director by the provisions in sections 7, 8, 9, 10, 11, 12, 13 and 22 of this act may be performed by any of his duly authorized representatives acting under the instructions and at the direction of the director.

City sealers
and deputies.

SEC. 15. There shall be a sealer of weights and measures and such deputies as may be required by ordinance of each city governed by this act. Such sealer and such deputies shall in any such city be appointed by, and they shall hold office subject to applicable local civil service laws and regulations; otherwise they shall be appointed by the mayor, or other chief executive officer of such city, by and with the advice and consent of the governing body of such city, and they may be removed for cause in the same manner.

—Bonds.

SEC. 16. A bond with sureties, to be approved by the appointing power, and conditioned upon the faithful performance of his duties and the safekeeping of any standards or equipment entrusted to his

care, shall forthwith, upon his appointment, be given by each city sealer and deputy sealer in the penal sum of one thousand dollars; the premium on such bond shall be paid by the city for which the officer in question is appointed.

SEC. 17. The city sealer and his deputy sealers when acting under his instructions and at his direction shall have the same powers and shall perform the same duties within the city for which appointed as are granted to and imposed upon the director by sections 8, 9, 10, 11, 12, and 13 of this act.

—Powers,
duties.

SEC. 18. The council or other governing body of each city for which a city sealer has been appointed as provided for by section 15 of this act shall (1) procure at the expense of the city such standards of weight and measure and such additional equipment, to be used for the enforcement of the provisions of this act in such city, as may be prescribed by the director; (2) provide a suitable office for the city sealer; and (3) make provision for the necessary clerical services, supplies, transportation and for defraying contingent expenses incidental to the official activities of the city sealer in carrying out the provisions of this act. When the standards of weight and measure required by this section to be provided by a city shall have been examined and approved by the director, they shall be the official standards for such city. It shall be the duty of the city sealer to make, or to arrange to have made, at least as frequently as once a year, comparisons between his field standards and appropriate standards of a higher order belonging to his city or to the state, in order to maintain such field standards in accurate condition.

—Duties
of governing
body—Stand-
ards, com-
parisons to be
made.

SEC. 19. In cities for which city sealers of weights and measures have been appointed as provided for

—Concur-
rent authority.

in this act, the director shall have concurrent authority to carry out the provisions of this act. The powers and duties relative to weights and measures contained in this act shall be in addition to the powers granted to any such city by law or charter.

Correction
of rejected
weights and
measures.

SEC. 20. Weights and measures that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

Regulations
on sale of
commodities.

SEC. 21. Commodities in liquid form shall be sold only by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by cubic measure, by measure of length, area or by count: *Provided*, That liquid commodities may be sold by weight and dry commodities may be sold by count only if such methods give accurate information as to the quantity of commodity sold: *Provided, further*, That the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold; (2) to vegetables when sold by the head or bunch; (3) to commodities when in package form or in containers standardized by a law of this state or by federal law; (4) to concrete aggregates, concrete mixtures and loose solid materials such as earth,

soil, gravel, crushed stone and the like when sold by cubic measure; or (5) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director shall issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented to be accurate and informative to all interested parties.

SEC. 22. Except as otherwise provided in this act, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, offered or exposed for sale or sold in intrastate commerce, shall bear on the outside of the package a definite, plain, and conspicuous declaration of (1) the net quantity of the contents in terms of weight, measure or count; and (2) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer or distributor: *Provided*, That the qualifying term "when packed" or words of similar import shall not be used in connection with the declaration required under clause (1): *And provided, further*, That under clause (1) the director shall by regulation establish (a) reasonable variations to be allowed, (b) exemptions as to small packages and (c) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

SEC. 23. In addition to the declarations required by section 22 of this act, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package

—Packaged commodities in intrastate commerce.

—Declaration of price, packaged commodities.

a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

—Misleading packaged commodities unlawful.

SEC. 24. No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed or filled as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standards of fill as may have been prescribed for the commodity in question by the director.

“In package form” defined.

SEC. 25. The term “in package form” as used in this act shall mean commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this act. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be commodity in package form.

“Weight” defined.

SEC. 26. The word “weight” as used in this act in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

Price not to be misleading.

SEC. 27. Whenever any commodity or service is sold, offered, exposed or advertised for sale, by weight, measure or count, the price shall not be misrepresented nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser.

Meat, poultry, fish, sold by weight.

SEC. 28. Except for immediate consumption on the premises where sold or as one of several elements comprising a meal sold as a unit, for consumption elsewhere than on the premises where

sold, all meat, meat products, fish and poultry offered or exposed for sale or sold as food shall be offered or exposed for sale and sold by weight.

SEC. 29. Butter, oleomargine and margarine shall be offered and exposed for sale and sold by weight and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.

Spreads sold by unit weight.

SEC. 30. All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, one liquid pint, one liquid quart, one-half gallon, one gallon or multiples of one gallon: *Provided*, That the director may by regulation provide for other sizes under one quart.

Fluid dairy products sold by liquid measure.

SEC. 31. When in package form and when packed, kept, offered, exposed for sale or sold, flour such as, but not limited to, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal and hominy grits shall be packaged only in units of five, ten, twenty-five, fifty and one hundred pounds avoirdupois weight: *Provided*, That packages in units of less than five pounds or more than one hundred pounds shall be permitted.

Packaged flour sold by unit weight.

SEC. 32. All solid fuels such as, but not limited to, coal, coke, charcoal, broiler chips, pressed fuels and briquets shall be sold by weight: *Provided*, That solid fuels such as hogged fuel, sawdust and similar industrial fuels may be sold or purchased by cubic measure. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be

Solid fuels sold by weight, cubic measure—Delivery tickets.

clearly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director or his deputy or inspector or a city sealer or deputy sealer who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: *Provided*, That if the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

Textile goods
marked with
net measure,
net weight—
Exceptions.

SEC. 33. It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any textile yard goods put up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for either wholesale or retail sale, unless such bolt or roll, or such other unit, be definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, subject, however, to the following limitations and requirements:

(1) Any unit of twine or cordage may be marked to show its net measure in terms of feet. Ready-wound bobbins that are not sold separately shall not be required to be individually marked, but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net weight or measure of the thread on each bobbin. Any unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting or embroidery thread or yarn except nylon hand knitting yarn that is not composed in whole or in part of

wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other holder. Any retail unit of a textile product, sold only for household use, consisting of a package containing two or more similar individual units that are not sold separately, shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but such proviso shall not apply where the individual units are separately marked. Any unit of yarn composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of such yarn except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed fifty yards, may be marked to show its linear measure only.

(2) The marking required by this section shall in all cases be in combination with the name and place of business of the manufacturer, packer, or distributor of the product, or a trademark, symbol, brand or other mark that positively identifies such manufacturer, packer or distributor.

(3) Reasonable tolerances shall be permitted and these shall be included in regulations for the enforcement of the provisions of this section that shall be issued by the director.

(4) The provisions of this section shall not apply to the following textile products when sold at wholesale in bulk by net weight: Cordage, agricultural bag sewing threads, twines, yarns that are to be processed and yarns that are to be industrially converted into end use products.

SEC. 34. Berries and small fruit shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of

Small fruit,
berries, sold
by weight,
unit measure.

one-half dry pint, one dry pint or one dry quart: *Provided*, That the marking provisions of section 22 of this act shall not apply to such containers.

Fractional units, fractional value.

SEC. 35. Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in sections 1 and 2 of this act, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

Obstruction of duties, misdemeanor—Penalty.

SEC. 36. Any person who shall hinder or obstruct in any way the director, a city sealer or a deputy sealer, in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars or more than two hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Impersonation, misdemeanor—Penalty.

SEC. 37. Any person who shall impersonate in any way the director, or a city sealer or deputy sealer, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Unlawful practices, misdemeanor or gross misdemeanor.

SEC. 38. Any person who, by himself, by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subparagraphs (1) through (9) of this section, shall be guilty of a misdemeanor and upon a second or subsequent conviction thereof he shall be guilty of a gross misdemeanor.

(1) Use or have in possession for the purpose of using for any commercial purpose specified in section 8 of this act, sell, offer, expose for sale or

hire or have in possession for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure.

Unlawful
practices,
misdemeanor
or gross
misdemeanor.

(2) Use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any weight or measure that has not been sealed by the director, a city sealer or deputy sealer within one year, unless written notice has been given to the director or to the city sealer in whose territory the weight or measure is located to the effect that such weight or measure is available for examination or is due for reexamination, as the case may be, or unless specific written permission to use such weight or measure has been received from the office of the director or from the city sealer in whose territory the weight or measure is located.

(3) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(4) Remove from any weight or measure, contrary to law or regulation, any tag, seal, stamp or mark placed thereon by the director, or a city sealer or deputy sealer.

(5) Sell, offer or expose for sale less than the quantity he represents of any commodity, thing or service.

(6) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

(7) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service in a condition or manner contrary to law or regulation.

(8) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(9) Violate any provision of this act or of the rules and/or regulations promulgated under the provisions of this act for which a specific penalty has not been prescribed.

Severability.

SEC. 39. 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.

Repeal.

SEC. 40. The following acts or parts of acts are hereby repealed:

(1) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23 and 24, chapter 194, Laws of 1927 and RCW 19.92.005, 19.92.010, 19.92.015, 19.92-.020, 19.92.030, 19.92.060, 19.92.070, 19.92.130, 19.92-.140, 19.92.150, 19.92.160, 19.92.180, 19.92.190, 19.92-.200, 19.92.220, 19.92.230, 19.92.250, 19.92.260, 19.92-.270, and 19.92.280;

(2) Section 22, chapter 194, Laws of 1927, as amended by section 2, chapter 104, Laws of 1945 and RCW 19.92.080;

(3) Section 12, chapter 194, Laws of 1927, as amended by section 1, chapter 167, Laws of 1937 and RCW 19.92.090;

(4) Sections 1 and 2, chapter 138, Laws of 1945 and RCW 19.92.170 and 19.92.171;

(5) Section 11, chapter 194, Laws of 1927, as amended by section 1, chapter 104, Laws of 1945 and RCW 19.92.210.

Passed the Senate February 26, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 292.

[Sub. S. B. 363.]

NACHES PASS TUNNEL.

AN ACT relating to public highways; authorizing a Naches Pass tunnel and authorizing studies, surveys, planning, location, design, financing and construction thereof; and making an appropriation.

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

SECTION 1. The Washington state highway commission and the Washington toll bridge authority are hereby authorized and directed, acting jointly with the joint fact-finding committee on highways, streets and bridges, to retain an independent engineering firm to prepare traffic, engineering and financial studies, and surveys to determine the feasibility of undertaking the construction of a Naches cut-off and tunnel on primary state highway No. 5 through the Cascade Mountains, together with the necessary approaches connecting to existing highways in whole or in part as an improvement on the state highway system, or as a toll tunnel project, in either case making use of federal agency funds as appropriate and available and funds contributed or advanced by any political subdivisions which it is determined will be economically benefited by construction of the project, said cut-off shall start on state highway No. 5 near the junction of the White

Feasibility
study of
tunnel
directed.

and Greenwater rivers; thence in an easterly direction through Greenwater River drainage area to the west portal of the tunnel under Pyramid Park, a distance of 1.85 miles to the east portal, thence following the north fork of the Little Naches River to the Little Naches River, thence down it to its junction with the Bumping River at state primary highway No. 5.

Features
of study.

SEC. 2. Such studies and surveys shall include but shall not be confined to the following:

- (1) The most desirable design, tunnel approaches, and connecting roads;
- (2) The most desirable location;
- (3) The cost of construction and the length of construction time required;
- (4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;
- (5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;
- (6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel.

Financing
plan.

SEC. 3. Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically

benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority.

SEC. 4. Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project. Project design.

SEC. 5. After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to guarantee toll bridge authority revenue bonds to be issued to finance the project. Contributions of political subdivisions sought.

SEC. 6. There is appropriated from the motor vehicle fund jointly to the Washington state highway commission and the Washington toll bridge authority for the period beginning July 1, 1959 and ending June 30, 1961, the sum of one hundred thousand dollars or so much thereof as shall be necessary to carry out the provisions of this Act. Appropriation.

SEC. 7. All funds herein appropriated from the motor vehicle fund to the Washington State Highways Commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project. Reimbursement.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 293.

[S. B. 434.]

DEPARTMENT OF INSTITUTIONS—PRISON TERMS
AND PAROLES—MERIT SYSTEM.

AN ACT relating to employment practices of the department of institutions and the state board of prison terms and paroles; providing for the placement of certain employees thereof under the jurisdiction of the state personnel board; providing for the classification, recruitment, and fixing of salaries of such employees; and repealing sections 72.05.050 through 72.05.120, chapter 28, Laws of 1959 and RCW 72.05.050 through 72.05.120.

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

Officers,
employees,
under per-
sonnel board
—Exceptions.

SECTION 1. All officers and employees of the department of institutions and the institutions under its supervision and control, except the director, his confidential secretary, and the chief assistant director, and all personnel of the state board of prison terms and paroles, except the members of the board, board secretary and administrative officer, shall be under the jurisdiction of the state personnel board or its successor: *Provided*, That all such officers, employees, and personnel who, upon the effective date of this act, have less than six month's service as an employee of the department of institutions or the board of prison terms and paroles shall be in a probationary status until such six month period shall have elapsed.

Basis for
employment—
Requirement
standards.

SEC. 2. All appointments to employment in the department of institutions, or the institutions under its supervision, or to employment under the state board of prison terms and paroles, shall be based upon character, education, experience, ability, personality, temperament, and aptitude for the respective position and without regard to political affiliation. The state personnel board with the advice and approval of the director, or the board of prison

terms and paroles, as the case may be, shall establish the requirement standards for each classification for positions of employment within the department and the institutions under its supervision, or for positions of employment under the board of prison terms and paroles.

SEC. 3. The state personnel board with the advice and subject to the approval of the director, or the board of prison terms and paroles, as the case may be, shall designate the classifications of the various employees of the department and the board of prison terms and paroles and the number of positions in each such classification. Separate examinations shall be conducted by the state personnel board for each classification, or they may be combined as the state personnel board may elect.

Vetoed.

SEC. 4. The state personnel board, in conjunction with the department of institutions, and the state board of prison terms and paroles, shall be responsible for the recruitment and the filling of vacancies in each classification of employment.

Board to recruit employees.

SEC. 5. The state personnel board shall compile a schedule of salaries and wages for each classification of position of employment.

Schedule of wages.

SEC. 6. On and after the effective date of this act, all persons who may be appointed to employment within the department of institutions and the institutions under its supervision, or to employment under the board of prison terms and paroles, shall be subject to a probationary period of six months, at the expiration of which time such employee shall be placed on permanent status.

Employees subject to probationary period.

SEC. 7. No employee on permanent status shall be discharged, demoted, or suspended, except for cause in accordance with the rules of the state personnel board, and shall be entitled to a hearing

Employment change through board.

before the state personnel board in accordance with their rules and regulations.

Repeal.

SEC. 8. Sections 72.05.050 through 72.05.120, chapter 28, Laws of 1959 and RCW 72.05.050 through 72.05.120 are each repealed.

Passed the Senate February 24, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959, with the exception of Section 3, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"Senate Bill No. 434 for the first time in the history of this state establishes by law, a merit system for all of the employees of the Department of Institutions and the Board of Prison Terms and Paroles and places these employees under the jurisdiction of the State Personnel Board. The several thousand employees of the Department of Institutions deserves this protection and I regret that the legislature did not see fit to enact a comprehensive merit system for all state employees.

"Section 3 of Senate Bill 434 gives the State Personnel Board the right to designate the classification of various employees of the Department of Institutions and of the Board of Prison Terms and Paroles. This section further gives the State Personnel Board also the right to fix the number of positions in each classification and it provides that separate examinations shall be conducted by the State Personnel Board for each classification.

"The State Personnel Board at the present time already has the power to give examinations for each classification of employment for all employees under its jurisdiction. It is my considered judgment that the matter of classification of employees and the number of positions to be filled have a fiscal impact upon the state government. Authority to establish classifications and numbers of positions must necessarily rest with the Governor and the Budget Director who is directly responsible to the Governor. The subject of classification is not a proper part of a well functioning merit system.

"For the reasons indicated, section 3 of this bill is vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 294.

[Sub. S. B. 424.]

WASHINGTON MINIMUM WAGE AND HOUR ACT.

AN ACT relating to wages and other conditions of employment for employes to be known as the Washington minimum wage and hour act; and providing penalties.

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

SECTION 1. As used in this act:

Definitions.

(1) "Director" means the director of labor and industries;

"Director."

(2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under section 5;

"Wage."

(3) "Employ" includes to suffer or to permit to work;

"Employ."

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

"Employer."

(5) "Employee" includes any individual employed by an employer but shall not include:

"Employee."

(a) any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation 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 wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance

of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) any individual employed in domestic service in or about a private home;

(c) any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director);

(d) any individual employed by the United States;

(e) any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

(f) any newspaper vendor or carrier;

(g) any carrier subject to regulation by Part I of the Interstate Commerce Act;

(h) any individual engaged in forest protection and fire prevention activities;

(i) any person employed by a funeral director or operator of an emergency ambulance service;

"Occupation."

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of in-

dustries or employment or class of employment in which employees are gainfully employed.

SEC. 2. Every employer shall pay to each of his employees wages at a rate of not less than one dollar per hour except as may be otherwise provided under this act.

Minimum wage set.

SEC. 3. (1) Except as otherwise provided in this section, no employer shall employ any of his employees for a workday longer than eight hours or for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed. Every employee is entitled to have his overtime computed on both a daily and weekly basis each week and shall be paid either his daily or weekly overtime whichever is greater.

Eight hour day, forty hour week—Overtime rates, computation, exceptions.

(2) No employer shall be deemed to have violated subsection (1) by employing any employee for a workday or workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

(a) for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in packing or preparing for market, canning, freezing, dehydrating or preserving, perishable or seasonal fish, fruits or vegetables and in any other industry found by the director to be of a seasonal nature, and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed;

(b) in the processing of sugar beets, sugar-beet molasses, sugarcane, or maple sap, into sugar (but not refined sugar) or into sirup; and in the case of

Eight hour
day, forty
hour week—
Overtime
rates, compu-
tation, excep-
tions.

an employer engaged in the first processing of, or in canning, freezing, packing, or dehydrating of perishable or seasonal fresh fruits or vegetables during a period or periods of not more than fourteen work-weeks in the aggregate in any calendar year;

(c) in accordance with a mutual agreement or arrangement between two employees for exchanging work hours.

(3) As used in this section the "regular rate" at which an employee is employed shall be deemed to include all remuneration for employment paid to, or on behalf of, the employee, but shall not be deemed to include—

(a) sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency;

(b) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employee which are not made as compensation for his hours of employment;

(c) sums paid in recognition of services performed during a given period if either; (i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly; or (ii) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the re-

quirements of the director set forth in appropriate regulations which he shall issue, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or (iii) the payments are talent fees (as such talent fees are defined and delimited by regulations of the director) paid to performers, including announcers, on radio and television programs;

Eight hour
day, forty
hour week—
Overtime
rates, compu-
tation, excep-
tions.

(d) contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees;

(e) extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight in a day or forty in a workweek or in excess of the employee's normal working hours or regular working hours, as the case may be;

(f) extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in nonovertime hours on other days; or

(g) extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment, contract or collective-bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight hours) or workweek (not exceeding forty hours) where such premium rate is not less than one and one-half times the rate established in

Eight hour
day, forty
hour week—
Overtime
rates, compu-
tation, excep-
tions.

good faith by the contract or agreement for like work performed during such workday or workweek.

(4) No employer shall be deemed to have violated subsection (1) by employing any employee for a workday in excess of eight hours or a workweek in excess of forty hours if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective-bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work and the contract or agreement; (a) specifies a regular rate of pay of not less than the minimum hourly rate provided in section 2 of this act and compensation at not less than one and one-half times such rate for all hours worked in excess of eight in any workday or in excess of forty in any workweek; and (b) provides a weekly guaranty of pay for not more than sixty hours based on the rates so specified.

(5) No employer shall be deemed to have violated subsection (1) by employing any employee for a workday in excess of eight hours or for a workweek in excess of forty hours if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by him in such workday or workweek in excess of eight hours or forty hours, respectively—

(a) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half times the bona fide piece rates applicable to the same work when performed during nonovertime hours; or

(b) in the case of an employee performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half times such bona

vide rates applicable to the same work when performed during nonovertime hours; or

(c) is computed at a rate not less than one and one-half times the rate established by such agreement or understanding as the basic rate to be used in computing overtime compensation thereunder: *Provided*, That the rate so established by such agreement shall be authorized by regulation by the director as being substantially equivalent to the average hourly earnings of the employee, exclusive of over-time premiums, in the particular work over a representative period of time;

and if (i) the employee's average hourly earnings for the workweek exclusive of payments described in paragraphs (a) through (g) of subsection (3) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(6) Extra compensation paid as described in paragraphs (e), (f), and (g) of subsection (3) shall be creditable toward overtime compensation payable pursuant to this section 3.

SEC. 4. (1) The director or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this act, or which may aid in the enforcement of the provisions of this act.

Investigations.

(2) With the consent and cooperation of federal agencies charged with the administration of federal

Federal
agencies
utilized.

labor laws, the director may, for the purpose of carrying out his functions and duties under this act, utilize the services of federal agencies and their employees and, notwithstanding any other provision of law, may reimburse such federal agencies and their employees for services rendered for such purposes.

Employers'
records,
reports.

(3) Every employer subject to any provision of this act or of any order issued under this act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make reports therefrom to the director as he shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act or the regulations thereunder.

Regulations,
industrial
homework.

(4) The director is authorized to make such regulations regulating, restricting, or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this act, and all existing regulations of the director relating to industrial homework are hereby continued in full force and effect.

Adminis-
trative
regulations.

SEC. 5. For any occupation, the director shall make and revise such administrative regulations, including definitions of terms, as he may deem appropriate to carry out the purposes of this act or necessary to prevent the circumvention or evasion thereof and to safeguard the minimum wage rates thereby established. Such regulations may include, but are not limited to, regulations defining and governing learners and apprentices, their number, proportion, and length of service; part-time pay; bonuses; overtime pay; special pay for special or extra work; and permitted charges to employees or allowances for board, lodging, apparel, or other fa-

cilities or services customarily furnished by employers to employees.

SEC. 6. The director, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations provide for (1) the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the director, at such wages lower than the minimum wage applicable under section 2 of this act and subject to such limitations as to time, number, proportion, and length of service as the director shall prescribe, and (2) the employment of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, under special certificates issued by the director, at such wages lower than the minimum wage applicable under section 2 of this act and for such period as shall be fixed in such certificates.

Special certificates for certain employees
—Subminimum wage.

SEC. 7. Every employer subject to any provision of this act or of any regulation issued under this act shall make, and keep in or about the premises wherein any employee is employed, a record of the name, address, and occupation of each of his employees, the rate of pay, and the amount paid each pay period to each such employee, the hours worked each day and each work week by such employee, and such other information as the director shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act or of the regulations thereunder. Such records shall be open for inspection or transcription by the director or his authorized representative at any reasonable time. Every such employer shall furnish to the director or to his authorized representative on demand a sworn statement of such records and information upon forms prescribed or approved by the director.

Employment records kept and available.

New or modified regulations—
Judicial review—Stay.

SEC. 8. (1) As new regulations or changes or modification of previously established regulations are proposed, the director shall call a public hearing for the purpose of the consideration and establishment of such regulations following the procedures used in the promulgation of standards of safety under RCW 49.16.080, 49.16.090 and 49.16.100, as amended.

(2) Any interested party may obtain a review of the director's findings and order in the superior court of county of petitioners' residence by filing in such court within sixty days after the date of publication of such regulation a written petition praying that the regulation be modified or set aside. A copy of such petition shall be served upon the director. The finding of facts, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the regulation is in accordance with law. If the court determines that such regulation is not in accordance with law, it shall remand the case to the director with directions to modify or revoke such regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the director. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the director with directions that such additional evidence be taken before the director. The director may modify the findings and conclusions, in whole or in part, by reason of such additional evidence.

(3) The judgment and decree of the court shall be final except that it shall be subject to review by the supreme court as in other civil cases.

(4) The proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued under the provisions of this act. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

SEC. 9. (1) Any employer who pays any employee less than wages to which such employee is entitled under or by virtue of this act, shall be liable to such employee affected for the full amount of such wage rate, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney's fees as may be allowed by the court. Any agreement between such employee and the employer to work for less than such wage rate shall be no defense to such action.

Employer liability for wages less than minimum—Assignment of wage claim.

(2) At the written request of any employee paid less than the wages to which he is entitled under or by virtue of this act, the director may take an assignment under this act or as provided in RCW 49.48.040 of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

SEC. 10. (1) Any employer who hinders or delays the director or his authorized representatives in the performance of his duties in the enforcement of this act, or refuses to admit the director or his authorized representatives to any place of employment, or fails to make, keep, and preserve any

Prohibited act, gross misdemeanor.

records as required under the provisions of this act, or falsifies any such record, or refuses to make any record accessible to the director or his authorized representatives upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the director or his authorized representatives upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act, or otherwise violates any provision of this act or of any regulation issued under this act shall be deemed in violation of this act and shall, upon conviction therefor, be guilty of a gross misdemeanor.

(2) Any employer who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer, to the director, or his authorized representatives that he has not been paid wages in accordance with the provisions of this act, or that the employer has violated any provision of this act, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of this act and shall, upon conviction therefor, be guilty of a gross misdemeanor.

Collective
bargaining
unimpaired.

SEC. 11. Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum under the provisions of this act.

Act
supplemental.

SEC. 12. This act establishes a minimum standard for wages, hours, and working conditions of all employees in this state, unless exempted herefrom, and is in addition to and supplementary to any other

federal, state, or local law or ordinance, or any rule or regulation issued thereunder. Any standards relating to wages, hours, or other working conditions established by any applicable federal, state or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to employees than the minimum standards applicable under this act, or any rule or regulation issued hereunder, shall not be affected by this act and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law: *Provided*, That as to any employer and employment which is subject to the federal fair labor standards act, compliance with such act shall be deemed likewise to constitute compliance with section 1 (5) (c), section 3, section 5 and section 7 of this act.

More favor-
able standards
unaffected.

SEC. 13. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application thereof to other persons or circumstances shall not be affected thereby.

Severability.

SEC. 14. This act may be known and cited as the "Washington Minimum Wage and Hour Act."

Short
title.

Passed the Senate March 11, 1959.

Passed the House March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 295.

[S. B. 541.]

PROPERTY TAXATION—VESSELS.

AN ACT relating to revenue and taxation; exempting from taxation certain vessels and components thereof while under construction; and amending section 2, chapter 81, Laws of 1931, as amended by section 2, chapter 82, Laws of 1945, and RCW 84.36.090; and declaring an emergency.

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

Certain vessels, its components, tax exempt.

SECTION 1. All rights, title or interest in or to any vessel of more than 1,000 ton burden, and the materials and parts held by the builder of the vessel at the site of construction for the specific purpose of incorporation therein, shall be exempt from taxation while the vessel is under construction within this state.

RCW 84.36.090 amended.

SEC. 2. Section 2, chapter 81, Laws of 1931, as amended by section 2, chapter 82, Laws of 1945, and RCW 84.36.090 are each amended to read as follows:

Other ships and vessels partially exempt.

All ships and vessels taxable in the state, other than those taxable under RCW 84.36.080 and those described in section 1 of this amendatory act, are exempt from all ad valorem taxes, except taxes levied for any state purpose and twenty percent of taxes levied for all other purposes.

Emergency.

SEC. 3. 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 March 6, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 296.

[S. B. 550.]

INHERITANCE TAXES.

AN ACT relating to inheritance taxes; and amending section 12, chapter 55, Laws of 1901, as last amended by section 4, chapter 184, Laws of 1945, and RCW 83.44.010.

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

SECTION 1. Section 12, chapter 55, Laws of 1901, as last amended by section 4, chapter 184, Laws of 1945, and RCW 83.44.010 are each amended to read as follows:

RCW 83.44.010
amended.

All taxes imposed by the inheritance tax provisions of this title shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen months from the accruing thereof, interest shall be charged and collected at the rate of six percent per year unless the amount of tax cannot be determined because of litigation pending in any court of competent jurisdiction or arbitration under the provisions of chapter 46, Laws of 1959 (Senate Bill No. 126) 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 or arbitration: *Provided*, That in no case shall interest be tolled for a period of more than three years from the expiration of the fifteen months after date of death. The minimum tax due in any event shall be paid within fifteen months from the accruing thereof. In all cases where a bond shall be given under the provisions of RCW 83.16.020 interest shall be charged at the rate of six percent per year from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

Taxes, when
due—Interest

The tax commission may, in its discretion, waive the payment of interest required to be assessed under the inheritance tax provisions of this title.

Passed the Senate March 11, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 297.

[S. B. 127.]

ENGINEERING AND LAND SURVEYING.

AN ACT relating to the practice of engineering and land surveying; granting powers and immunities to the state board for registration of professional engineers and land surveyors; defining terms; providing for procedures; establishing the professional engineers' account of the general fund; providing exemptions and qualifications therefor; adding three new sections to chapter 283, Laws of 1947 and to chapter 18.43 RCW; and amending sections 10, 11, 13 and 16, chapter 283, Laws of 1947 and RCW 18.43.070, 18.43.080, 18.43.100 and 18.43.130.

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

New section.

SECTION 1. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

Certain board duties enumerated—Investigative powers.

The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Three members of the board shall constitute a quorum for the conduct of any business of the

board. The board may employ such persons as are necessary to carry out its duties under this chapter. It may adopt rules and regulations reasonably necessary to administer the provisions of this chapter. It may conduct investigations concerning alleged violations of the provisions of this chapter. In making such investigations and in all proceedings under RCW 18.43.110, the chairman of the board or any member of the board acting in his place may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, records, papers or documents so required to be produced, the board may present its petition to the superior court of the county in which such person resides, setting forth the facts, and thereupon the court shall, in any proper case, enter a suitable order compelling compliance with the provisions of this chapter and imposing such other terms and conditions as the court may deem equitable.

SEC. 2. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

As used in this chapter "misconduct in the practice of engineering" shall include but not be limited to the following:

"Misconduct in the practice of engineering" includes.

(1) Offering to pay, paying or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;

(2) Being wilfully untruthful or deceptive in any professional report, statement or testimony;

(3) Attempting to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone;

(4) Failure to state separately or to charge separately for professional engineering services or land surveying where other services or work are also being performed in connection with the engineering services;

(5) Conviction in any court of any offense involving moral turpitude;

(6) Violation of any provisions of this chapter;

(7) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct generally expected of those practicing professional engineering or land surveying.

New section.

SEC. 3. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

Injunctive relief authorized.

The board is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act which is prohibited by this chapter. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The members of the board shall not be personally liable for their action in any such proceeding or in any other proceeding instituted by the board under the provisions of this chapter. The board in any proper case shall cause prosecution to be instituted in any county or counties where any violation of this chapter occurs, and shall aid in the prosecution of the violator.

RCW 18.43.070 amended.

SEC. 4. Section 10, chapter 283, Laws of 1947 and RCW 18.43.070 are each amended to read as follows:

Certificates and seals.

The director of licenses shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily

met all the requirements of this chapter. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering" and specify the branch or branches in which specialized, and in case of a registered land surveyor, the certificate shall authorize the practice of "land surveying." In the case of a registered professional engineer also qualified as land surveyor but one certificate shall be issued.

Certificates
and seals.

In case of engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer-in-training." All certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the board and by the director of licenses.

The issuance of a certificate of registration by the director of licenses shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or a registered land surveyor, while the said certificate remains unrevoked and unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional engineer" or "registered land surveyor." Plans, specifications, plats and reports prepared by the registrant shall be signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his direct supervision and that to his knowledge and belief the same was prepared in accordance with the requirements of the statute. It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile

thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

RCW 18.43.080
amended.

SEC. 5. Section 11, chapter 283, Laws of 1947 and RCW 18.43.080 are each amended to read as follows:

Expiration
and renewals.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the director of licenses to notify every person registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee of seven dollars and fifty cents for professional engineer, professional engineer and land surveyor, and seven dollars and fifty cents for land surveyor. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within thirty days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

All fees provided by RCW 18.43.050 shall be paid into the state general fund. Also the first five dollars of each payment for renewal of a professional engineer certificate and of a professional engineer and land surveyor certificate and the first three dollars of each payment for renewal of a land surveyor's certificate paid under the provisions of RCW 18.43.080 as amended shall be paid into the state general fund, and all sums in excess of these amounts shall be paid into the professional engineers' account of the general fund, which account is hereby established, to be used to carry out

the purposes and provisions of sections 1 and 3 of this amendatory act and RCW 18.43.110.

SEC. 6. Section 13, chapter 283, Laws of 1947 and RCW 18.43.100 are each amended to read as follows:

RCW 18.43.100 amended.

The board may, upon application therefor, and the payment of a fee of fifteen dollars issue a certificate without further examination as a professional engineer or land surveyor to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state or territory or possession of the United States, the District of Columbia, or of any foreign country, provided: (1) That the applicant's qualifications meet the requirements of the chapter, and the rules established by the board, (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country; and (3) that the said state, territory, possession, district or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state.

Interstate registration.

SEC. 7. Section 16, chapter 283, Laws of 1947 and RCW 18.43.130 are each amended to read as follows:

RCW 18.43.130 amended.

This chapter shall not be construed to prevent or affect:

Excepted services.

(1) The practice of any other legally recognized profession or trade; or

(2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: *Provided*, Such person is legally qualified by registration to practice the said profession in his own state or country

Excepted
services.

in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or

(3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: *Provided*, That such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: *Provided*, Such work does not include final design or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: *Provided*, That such corporation employs at least one

person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or

Excepted services.

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; or

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering in this state by a corporation or joint stock association: *Provided*, That the provisions of this subsection (8) of this section shall expire on December 31, 1961 and no certificate of authorization or renewal thereof shall be valid thereafter: *Provided further*, That

(a) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution;

(b) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be

Excepted
services.

designated in writing and filed with the board within thirty days after the effective date of such changes;

(c) Upon the filing with the board of the certified copy of resolution, affidavit and designation of persons specified in subparagraph (a) and (b) of this section, there shall be issued to the corporation a certificate of authorization to practice engineering in this state. The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (b) of this section.

In the event of a violation of any of the provisions of this chapter by the corporation or by any employee acting at its direction the certificate of authorization shall be subject to suspension or revocation in the same manner as certificates of registration issued under this chapter. The suspension or revocation of any certificate of authorization issued to a corporation shall not preclude the board from suspending or revoking the certificate of registration of any person employed by such corporation and holding a certificate of registration under this chapter.

(d) All plans, specifications, designs and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(e) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee of five hundred dollars and an annual renewal fee of one hundred dollars, which sums shall be paid into the professional engineers' account of the general fund.

(9) The practice of engineering and/or land

surveying in this state by partnership: *Provided, That*

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district or foreign country meeting the reciprocal provisions of RCW 18.43.100: *Provided, That* at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director of licenses under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee of two hundred and fifty dollars and an annual renewal fee of fifty dollars, which sum shall be paid into the professional engineers' account of the general fund.

SEC. 8. If any section of this act or part thereof shall be declared unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof. Severability.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Statement
by Governor.

NOTE: Statement by Governor as to why he allowed Senate Bill 127 to become law without his approval reads as follows:

“My inclination is to oppose any move on the part of the legislature to permit a profession to be practiced by a corporate organization.

“Senate Bill 127 is a comprehensive statute relating to the practice of engineering and land surveying. Section 1 authorizes the State Board of Registration for Professional Engineers and Land Surveyors to establish a code of ethics for the engineering and surveying professions. Section 2 defines numerous categories of illegal engineering practices. Section 3 authorizes the State Board to apply for injunctions against unethical practices. Section 4 contains numerous housekeeping amendments. Section 5 and 6 increase fees for annual professional licenses and certificates for engineers and surveyors. Section 7, subsection (8) and (9) allow the practice of engineering by a corporate and by a partnership, all the members of which need not be duly certificated engineers, architects or land surveyors. The provisions allowing the corporate practice of engineering automatically expires on December 31, 1961.

“I have received numerous telegrams and letters from responsible organizations and individuals who either favor this bill or who are opposed to it. I have granted the opponents of this bill a hearing.

“On the other hand, I am aware that the construction of certain large scale engineering projects such as atomic reactors can be accomplished only through organizations who practice engineering in corporate form. It is known to me that as a matter of fact during the past several years, corporate engineering firms have in fact operated in the state.

“The bill passed unanimously in the Senate. In the House it passed by a majority of 23 votes.

“The provisions of this act expire automatically by December, 1961. I have full confidence that the State Board of Registration for Professional Engineers and Land Surveyors through the powers granted to it in this bill will closely supervise the practices of corporations engaging in engineering. Therefore, I am reluctantly allowing this bill to become law without my signature.”

ALBERT D. ROSELLINI,
Governor.

CHAPTER 298.

[S. B. 206.]

FUEL TAXES—URBAN TRANSPORTATION EXEMPTIONS.

AN ACT relating to refunds of motor vehicle fuel tax and exemptions from use fuel tax for certain urban transportation systems; and amending section 1, chapter 292, Laws of 1957 and RCW 82.36.275; and amending section 2, chapter 292, Laws of 1957 and RCW 82.40.047.

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

SECTION 1. Section 1, chapter 292, Laws of 1957 and RCW 82.36.275 are each amended to read as follows:

RCW 82.36.275 amended.

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel 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 tax to the price of such fuel.

Refunds for urban passenger transportation systems.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over twenty persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, do not extend for a distance exceeding five road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted to any

urban transportation system which hereafter operates motor vehicles a distance exceeding five road miles beyond the corporate limits of the city in which the original starting point of such motor vehicles is located: *Provided further*, That this section shall expire June 30, 1961.

RCW 82.40.047
amended.
Exemption
for urban
passenger
transportation
systems.

SEC. 2. Section 2, chapter 292, Laws of 1957 and RCW 82.40.047 are each amended to read as follows:

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 RCW requiring the payment of use fuel taxes.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over twenty persons, over prescribed route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding five road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted to any urban transportation system which hereafter operates motor vehicles a distance exceeding five road miles beyond the corporate limits of the city in which the original starting point of such motor vehicles are located: *Provided further*, That this section shall expire June 30, 1961.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 299.

[S. B. 223.]

EDUCATION—JOINT LEGISLATIVE COMMITTEE.

AN ACT relating to the legislature; creating a joint committee on education; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties and prescribing the functions of the committee; providing for an advisory council; making an appropriation; and declaring an emergency.

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

SECTION 1. As used in this act "committee" means the joint committee on education of the legislature of the state of Washington.

"Committee" defined.

SEC. 2. There is hereby created the joint committee on education of the legislature of the state of Washington which shall meet, act, and conduct its business at any place within the state of Washington during regular or extraordinary sessions of the legislature, or during any recess thereof, or during interim periods prior to the 1961 session of the legislature.

Committee created.

SEC. 3. The committee shall consist of five senators and five representatives who shall be selected as follows:

Committee members, selection of

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the Senate for confirmation. In the event that the president does not nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members.

Member's
political
affiliation
limitation.

SEC. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

Member's
terms.

SEC. 5. Members shall serve until their successors are installed as provided in section 3, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature whichever is sooner.

Committee
vacancies.

SEC. 6. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in section 3 or until they are no longer members of the legislature, whichever is sooner.

Committee
organization.

SEC. 7. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act.

Committee
employees,
compensation
of.

SEC. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

SEC. 9. Members of the committee and any of its subcommittees shall receive twenty dollars per diem, and ten cents a mile for travel, while attending sessions of the committee or of its subcommittees.

Committee members, employees. Per diem—Expenses.

All expenses incurred by the committee or its subcommittees or its members, including salaries of its executive secretary and assistants, shall be paid upon voucher forms as provided by the state auditor and signed by the chairman or vice-chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

SEC. 10. Unless otherwise directed by a two-thirds vote of the whole committee, all witnesses shall be examined privately.

Examination of witnesses.

SEC. 11. The committee is authorized to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

Committee duties.

- (1) Education beyond high school;
- (2) Implications of enrollment forecasts;
- (3) Methods of disbursing state funds;
- (4) Possible economies in school operations;
- (5) Problems of finance and architecture relating to school construction, including adequate fire and earthquake protection;
- (6) Maximum utilization of school buildings, grounds, and facilities;
- (7) School district reorganization;
- (8) The office of county superintendent;
- (9) Teacher training and certification;
- (10) Kindergarten and the ungraded primary programs;
- (11) Student grouping for accelerated instruction on all levels of education;

- (12) Academic standards, course content, curriculum, and extracurricular activities;
- (13) Uses of audiovisual teaching aids;
- (14) Technical and vocational training.

Liaison with other agencies.

SEC. 12. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

School advisory council. Created—Members—Chairman—Per diem.

SEC. 13. There is created a school advisory council to exist until December 31, 1960, to consist of fifteen members to be appointed by the governor: *Provided*, That at least one member shall be chosen from each congressional district of the state. Not more than five members of the advisory council shall be officers or employees of organizations whose primary purpose is education or the promotion or support of education. Members shall serve at the pleasure of the governor without pay, but shall receive necessary traveling expenses to and from council meetings and twenty dollars per diem as subsistence while attending any meetings of the council. The governor shall designate one member who shall act as chairman of the council.

Council duties.

SEC. 14. The council shall consult with, advise, and assist the committee, recommending areas of study, advising as to organizations and persons suitable for subcommittees, and assisting in research and study of educational problems.

Council expenditures.

SEC. 15. All expenditures of the council shall be paid upon vouchers approved jointly by the chairman of the council and the chairman of the committee from the appropriation herein provided.

Committee reports.

SEC. 16. The committee shall report the findings of its subcommittees to the governor by July, 1960, and shall make such recommendations to the governor and the legislature relating to changes in ad-

ministrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations.

SEC. 17. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. Gifts, grants, endowments.

SEC. 18. There is hereby appropriated from the general fund to the committee the sum of fifty thousand dollars or so much thereof as may be necessary to carry out the purposes of this act. Appropriation.

SEC. 19. 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. Emergency.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 300.

[S. B. 507.]

COUNTY OFFICERS AND EMPLOYEES—
SEMIMONTHLY PAY PLAN.

AN ACT relating to payment of salaries of county officers and employees; and amending section 37, page 314, Laws of 1890, as amended by section 1, chapter 37, Laws of 1953, and RCW 36.17.040.

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

RCW 36.17.040 amended.

SECTION 1. Section 37, page 314, Laws of 1890, as amended by section 1, chapter 37, Laws of 1953, and RCW 36.17.040 are each amended to read as follows:

Payment of salaries of officers and employees.

The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the twentieth day of the month, draw his warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw his warrant, not later than the fifth day of the following month, and the county commissioners may enter an order on the record journal empowering him so to do: *Provided*, That if the board of county commissioners do not adopt the semi-monthly pay plan, they, by resolution, shall designate the first pay period as a draw day. The draw day period shall be from the first day to the fifteenth day of the month, inclusive. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to

be paid on the draw day. The draw day shall not be later than the twentieth day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the commissioners by resolution adopt the foregoing draw day procedure.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 301.

[S. B. 495.]

DIVISION OF ENGINEERING AND ARCHITECTURE.

AN ACT relating to state government; creating a division of engineering and architecture in the department of general administration; defining powers and duties thereof; amending sections 4 and 9, chapter 285, Laws of 1955 and RCW 43.19.010 and 43.19.125; amending section 4, chapter 195, Laws of 1955 and RCW 43.28.020; adding two new sections to chapter 43.19 RCW; repealing sections 14, 16 and 17, chapter 285, Laws of 1955 and RCW 43.19.220, 43.19.230 and 73.12.020; and declaring an emergency.

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

SECTION 1. Section 4, chapter 285, Laws of 1955 and RCW 43.19.010 are each amended to read as follows:

RCW 43.19.010 amended.

The department of general administration shall be organized into five divisions, to be known as, (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, and (5) the division of engineering and architecture.

Director's authority—
Personnel.

The director of general administration shall have charge and general supervision of the department.

He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

RCW 43.19.125 amended.

SEC. 2. Section 9, chapter 285, Laws of 1955 and RCW 43.19.125 are each amended to read as follows:

Powers, duties
—Division of
capitol
buildings.

The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

RCW 43.28.020 amended.

SEC. 3. Section 4, chapter 195, Laws of 1955 and RCW 43.28.020 are each amended to read as follows:

Director's
powers and
duties.

The director of institutions shall:

(1) Have full power to manage and govern the following public institutions:

The western state hospital, the eastern state hospital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, the state soldiers' home and colony, the Washington veterans' home, Lakeland Village, the Rainier state school, the state school for the deaf, the state school for the blind, the Mc-Kay memorial research hospital, and the state narcotic farm colony, subject only to the limitations contained in laws relating to the management of such institutions;

(2) Have authority to appoint assistants and subordinate employees, and fix their compensation, to aid him in performing the functions and duties of his office and from time to time to designate and deputize one of such employees as chief assistant director. The chief assistant director shall have charge and general supervision of the department of institutions in the absence or disability of the

director and in case of a vacancy in the office of director shall continue in charge of the department of institutions until a director is appointed and qualified or until the governor appoints an acting director;

(3) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(4) Establish and carry on suitable farming operations at the several institutions under his control;

(5) Supply the several institutions with the necessary food products produced thereat;

(6) Exchange with, or furnish to, other institutions, food products at the cost of production;

(7) Sell and dispose of surplus food products produced;

(8) Establish, install and operate, at the several state institutions under his control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

Director's powers and duties.

(9) Supply the several institutions with the necessary industrial products produced thereat;

(10) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

(11) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

(12) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his judgment for the best interests of the state;

(13) Comply with all requirements of the director of health in relation to health and sanitation at the institutions under his control;

(14) Have the powers and duties of the director of public institutions contained in RCW 43.19.150 through 43.19.170 relating to state dietitian and accounting; those contained in RCW 43.19.260 through 43.19.420 relating to the division of children and youth services and those contained in RCW 43.19.430 through 43.19.440 relating to the state council for children and youth; those contained in chapters 71.02, 71.04 and 71.06 relating to mentally ill; and those contained in chapters 72.04 through 72.40 relating to state institutions.

New section.

SEC. 4. There is added to chapter 43.19 RCW, a new section to read as follows:

Powers, duties —Engineering and architecture.

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and

employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of institutions, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of institutions, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of institutions, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of institutions, and all other state-

owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

New section.

SEC. 5. There is added to chapter 43.19 RCW, a new section to read as follows:

Personnel,
supplies,
transferred.

Upon the effective date of this amendatory act, the department of institutions shall transfer to the department of general administration, division of engineering and architecture, all of their engineering and architectural personnel who are employed in connection with the exercise of the powers and duties herein transferred, including their supplies, records, books, plans, drawings and similar items.

Repeal.

SEC. 6. Sections 14, 16 and 17, chapter 285, Laws of 1955 and RCW 43.19.220, 43.19.230 and 73.12.020 are each repealed.

Emergency.

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 2, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 302.

[H. B. 68.]

CITIES—OFF-STREET PARKING.

AN ACT authorizing cities of the first, second, and third classes to acquire, operate, and maintain off-street parking facilities.

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

SECTION 1. Cities of the first, of less than eight hundred thousand, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

Off-street
parking,
public
purpose.

SEC. 2. In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35. In addition, local improvement districts may be created for this purpose in accordance with the procedure for establishing local improvement districts under Title 35, as hereafter amended. Such cities may finance the initial economic and physical surveys and plans for off-street parking, and the maintenance and management of such off-street parking spaces and facilities within their general budget.

Revenue
bonds, im-
provement
districts,
authorized.

SEC. 3. Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exer-

Property
obtained,
disposed of,
by ordinance.

cise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the city, when its legislative body has determined by ordinance such property is no longer necessary for off-street parking purposes.

Operating
method, by
ordinance—
Limitation,
bids for pri-
vate operation

SEC. 4. Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such off-street parking space and/or facilities until after it has called for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's costs in acquiring and/or constructing or improving the facility to be leased, including interest charges, debt retirement, and payment in lieu of the taxes lost by removal of the property from the tax rolls. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any

such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

SEC. 5. In the establishment of off-street parking space and/or facilities, cities shall proceed with the development of the plan therefor by making such economic and physical surveys as are necessary, shall prepare comprehensive plans therefor, and shall hold a public hearing thereon prior to the adoption of any ordinances relating to the leasing or acquisition of property and providing for the financing thereof for this purpose.

Surveys
prior to
ordinance.

SEC. 6. The lease referred to in section 4 shall specify a schedule of maximum parking fees which the operator may charge. This maximum parking fee schedule may be modified from time to time by agreement of the city and the operator.

Fee schedule
in lease—
Modification
of.

SEC. 7. Such cities and/or their lessees shall pay to the county treasurer and to the state treasurer moneys in lieu of real property taxes equal to the amounts which would be paid upon real property condemned pursuant to this act were it in private ownership.

Moneys in
lieu of taxes
paid.

SEC. 8. If any provision of this act, or its application to any person or circumstance is held invalid,

Severability.

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Act controls.

SEC. 9. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Passed the House February 19, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 303.

[H. B. 53.]

IRRIGATION DISTRICTS—CONDEMNATION OF LANDS.

AN ACT relating to condemnation of land in irrigation districts and adding two new sections to chapter 87.01 RCW.

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

New section.

SECTION 1. There is added to chapter 87.01 RCW a new section to read as follows:

Department to pay assessment to irrigation district—Computation

Whenever lands situated in an irrigation district are acquired by the state department of highways, and such lands, at the time of their acquisition by the state department of highways, were irrigable and were being served or were capable of being served by facilities of the district to the same extent and in the same manner as lands of like character held under private ownership were served, the state department of highways, as part of the cost and expense of the acquisition of rights-of-way and with funds available for such acquisition and at the time of such acquisition, shall make a lump sum payment to the irrigation district in an amount:

(1) Sufficient to pay the pro rata share of the district's bonded indebtedness, if any, and the pro

rata share of the district's contract indebtedness to the United States or to the state of Washington, if any, allocable to such lands, plus interest on said pro rata share in the event said indebtedness is not callable in advance of maturity; and

(2) further, sufficient to pay any deferred installments of local improvement district assessments against such lands, if any; and

(3) further, sufficient to produce, if invested at an annual rate of interest equivalent to that set forth in current tables issued by the state insurance commissioner, a sum of money equal to the annual increase in operation and maintenance costs against remaining lands in the district resulting from the severance from the district of the lands thus acquired by the state department of highways. For the purposes of determining the amount of said lump sum payment, the annual maintenance and operation assessment of the district shall be considered to be the average for the ten years, or so many years as the district has assessment experience, if less than ten years, preceding the date of acquisition.

SEC. 2. There is added to chapter 87.01 RCW a new section to read as follows: New section.

Upon the making by the state department of highways of the lump sum payment to the district pursuant to section 1 of this act, the district thereupon shall make and enter an order relieving such lands from further district assessments for the delivery of water to said lands. Order entered.

Passed the House February 24, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 304.

[H. B. 125.]

PARK AND RECREATION DISTRICTS.

AN ACT relating to county recreation districts; amending sections 1, 2, 3, 7, 13, 14, 20 and 33, chapter 58, Laws of 1957 and RCW 36.69.010, 36.69.020, 36.69.030, 36.69.070, 36.69.130, 36.69.140, 36.69.190 and 36.69.900; amending section 3, chapter 23, Laws of 1951 second extraordinary session, as last amended by section 1, chapter 32, Laws of 1957 and RCW 84.52.052; and repealing section 15, chapter 58, Laws of 1957.

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

RCW 36.69.010 amended.

SECTION 1. Section 1, chapter 58, Laws of 1957 and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts authorized.

Park and recreation districts are hereby authorized to be formed in Class AA counties and in counties of the second, eighth or ninth class as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

RCW 36.69.020 amended.

SEC. 2. Section 2, chapter 58, Laws of 1957 and RCW 36.69.020 are each amended to read as follows:

Formation of district by petition—Procedure.

The formation of a park and recreation district in Class AA counties or in counties of the second, eighth or ninth class shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person sign-

ing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

SEC. 3. Section 3, chapter 58, Laws of 1957 and RCW 36.69.030 are each amended to read as follows:

RCW 36.69.030
amended.

A park and recreation district in Class AA counties and in counties of the second, eighth or ninth class may include any unincorporated area in the state and, when any part of the proposed district lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

Area included
—Resolution.

SEC. 4. Section 7, chapter 58, Laws of 1957 and RCW 36.69.070 are each amended to read as follows:

RCW 36.69.070
amended.

Elections—
Procedure.

All elections pursuant to this chapter regardless of county classification shall be conducted in accordance with the provisions of chapter 29.13 RCW as for Class AA counties: *Provided*, That a special election for the formation of any park and recreation district may be held at such time as may be ordered by the board of county commissioners. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district, and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.

RCW 36.69.130
amended.

SEC. 5. Section 13, chapter 58, Laws of 1957 and RCW 36.69.130 are each amended to read as follows:

Powers of
district.

Park and recreation districts in Class AA counties and in counties of the second, eighth or ninth class shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules

and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and, (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: *Provided*, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation district.

SEC. 6. Section 14, chapter 58, Laws of 1957 and RCW 36.69.140 are each amended to read as follows:

RCW 36.69.140
amended.

A park and recreation district in Class AA counties or in counties of the second, eighth or ninth class shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to one and one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess

Special levies
authorized—
Bonds.

of millage limitations in accordance with the provisions of RCW 84.52.056.

RCW 36.69.190 amended.

SEC. 7. Section 20, chapter 58, Laws of 1957 and RCW 36.69.190 are each amended to read as follows:

Additional area may be added to district.

After a park and recreation district in Class AA counties or in counties of the second, eighth or ninth class has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the proposed additional territory shall vote upon the proposition for enlargement.

RCW 84.52.052 amended.

SEC. 8. Section 3, chapter 23, Laws of 1951 second extraordinary session, as last amended by section 1, chapter 32, Laws of 1957 and RCW 84.52.052 are each amended to read as follows:

Excess levies authorized—When—Procedure.

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year 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, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation 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. Any county, school district,

metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city or town by a three-fifth 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 twice 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, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city or town, by giving notice thereof by publication 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 on an excess levy for school district purposes at

any such special election of any school district must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for school district purposes at any such special election of any school district must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general election in such district.

Note. See also section 1, chapter 290, Laws of 1959.

RCW 36.69.900 amended.

SEC. 9. Section 33, chapter 58, Laws of 1957 and RCW 36.69.900 are each amended to read as follows:

Short title.

This chapter may be cited as the "Recreation Districts Act for Class AA counties and for counties of the second, eighth or ninth class."

Repeal.

SEC. 10. Section 15, chapter 58, Laws of 1957 is hereby repealed.

Passed the House February 14, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 305.

[H. B. 272.]

BOXING AND WRESTLING.

AN ACT relating to boxing and wrestling; amending sections 2, 4, 8, 12, 14, and 16, chapter 184, Laws of 1933 and RCW 43.48.020, 43.48.040, 67.08.020, 67.08.060, 67.08.080, and 67.08.100; and amending section 22, chapter 184, Laws of 1933 as amended by section 1, chapter 48, Laws of 1951 and RCW 67.08.140.

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

RCW 43.48.020 amended.

SECTION 1. Section 2, chapter 184, Laws of 1933 and RCW 43.48.020 are each amended to read as follows:

Before entering upon the duties of his office, each commissioner shall enter into a surety bond, executed by a surety company authorized to do business in this state, payable to the state, and approved by the attorney general, in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties, which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond and receive twenty-five dollars per day and reimbursable travel expenses while in the performance of his duties.

Athletic
commission.
Official bonds
—Expenses.

SEC. 2. Section 4, chapter 184, Laws of 1933 and RCW 43.48.040 are each amended to read as follows:

RCW 43.48.040
amended.

The commission may employ and fix the compensation of such officers, employees, and inspectors as may be necessary to administer the provisions of this act as amended.

Personnel—
compensation.

SEC. 3. Section 8, chapter 184, Laws of 1933 and RCW 67.08.020 are each amended to read as follows:

RCW 67.08.020
amended.

Any club, corporation, organization, association, fraternal society, or person affected by this chapter may apply to the commission for a license. Such application shall be in writing and upon forms prescribed by said commission and shall be verified in such manner as the commission may require and shall be accompanied by an annual license fee of twenty-five dollars.

License appli-
cation—Fee—
Verification.

SEC. 4. Section 12, chapter 184, Laws of 1933 and RCW 67.08.060 are each amended to read as follows:

RCW 67.08.060
amended.

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring and/or wrestling match or exhibition held under the provisions of this chapter. Such inspectors shall carry a card signed by the chairman

Inspectors—
Duties—Fees
for attending
contests.

of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the athletic commission for each contest officially attended. Each inspector shall also receive from the state reimbursable travel expenses.

RCW 67.08.080 amended.

SEC. 5. Section 14, chapter 184, Laws of 1933 and RCW 67.08.080 are each amended to read as follows:

Rounds and bouts limited —Weight of gloves.

No boxing contest or sparring exhibition held in this state whether under the provisions of this chapter or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be for a longer period than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving national championships the commission may grant an extension of no more than five additional rounds. No contestant in any boxing contest or sparring match or exhibition whether under this chapter or otherwise shall be permitted to wear gloves weighing less than six ounces. The length and duration for wrestling matches whether held under the provisions of this chapter or otherwise shall be regulated by order of the commission. The commission shall promulgate rules and regulations to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the contest in all respects, and to otherwise make rules and regulations consistent with this chapter, but such rules and regu-

lations shall apply only to contests held under the provisions of this chapter.

SEC. 6. Section 16, chapter 184, Laws of 1933 and RCW 67.08.100 are each amended to read as follows:

RCW 67.08.100 amended.

The commission may grant annual licenses upon application in compliance with the rules and regulations prescribed by the commission, and the payment of the fees, the amount of which is to be determined by the commission, prescribed to managers, referees, boxers, wrestlers, seconds and trainers: *Provided*, That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the war department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests or smokers and where all funds are used primarily for the benefit of their members. Any such license may be revoked by the commission for any cause which it shall deem sufficient. No person shall participate or serve in any of the above capacities unless licensed as herein provided. The referee for any contest shall be designated by the commission from among such licensed referees.

Annual licenses to participants—Fees—Revocation.

SEC. 7. Section 22, chapter 184, Laws of 1933 as amended by section 1, chapter 48, Laws of 1951 and RCW 67.08.140 are each amended to read as follows:

RCW 67.08.140 amended.

Any person, club, corporation, organization, association, or fraternal society conducting within this state boxing, sparring, or wrestling contests or exhibitions without having first obtained a license therefor in the manner provided by this chapter shall be guilty of a misdemeanor excepting such contests excluded from the operation of this chapter by

Penalty for conducting contests without license—Injunctions authorized.

RCW 67.08.015. The attorney general, each prosecuting attorney, the athletic commission, or any citizen of any county where any person, club, corporation, organization, association, or fraternal society shall threaten to hold, or appears likely to hold athletic contests or exhibitions in violation of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, or fraternal society from holding such contest or exhibition.

Passed the House February 21, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 306.

[H. B. 431.]

INSTITUTE OF FOREST PRODUCTS.

AN ACT relating to the institute of forest products; amending section 2, chapter 177, Laws of 1947 and RCW 76.44.020; and adding a new section to chapter 76.44 RCW.

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

SECTION 1. Section 2, chapter 177, Laws of 1947 and RCW 76.44.020 are each amended to read as follows:

The institute of forest products shall be administered by the board of regents of the University of Washington with the advice of a nonsalaried commission consisting of the dean of forestry of the University of Washington, the state supervisor of department of natural resources, and the director of the Pacific northwest forest and range experiment station as ex officio members; and six additional members who shall be appointed by the president

RCW 76.44.020
amended.

Composition
of institute
commission.

of the University of Washington and shall serve at his pleasure. Of these additional members, two shall represent the forest industries of the state and two shall represent the labor of the state, and two shall be chosen at large.

SEC. 2. There is added to chapter 76.44 RCW a new section to read as follows:

All of the equipment, records, allotments, and appropriations pertaining to the institute of forest products shall be transferred from the department of conservation to the University of Washington for the use of the institute of forest products.

Passed the House February 16, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 307.

[H. B. 612.]

REHABILITATION OF HANDICAPPED.

AN ACT relating to vocational rehabilitation; adding a new section to chapter 28.10 RCW.

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

SECTION 1. There is added to chapter 28.10 RCW a new section to read as follows:

For the purposes of rehabilitation the division of vocational rehabilitation, subject to the approval of the state board for vocational education, may assist public or non-sectarian private agencies in the development, operation, or maintenance of sheltered workshops, supervised work opportunities, or other facilities needed for the rehabilitation of the handicapped.

All grants for independent living rehabilitation made under this section to non-sectarian private or

Assisting other agencies authorized.

public agencies shall be consistent with project plans recommended by the division of vocational rehabilitation and approved by the state board for vocational education. The length of time state funds shall be available to any non-sectarian private or public agency for any such project plan shall be determined by the state board for vocational education, but no state funds shall be granted for any one project for a period in excess of thirty-six months.

Passed the House March 1, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 308.

[H. B. 44.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance; amending section 4, chapter 70, Laws of 1957 and RCW 51.04.070; amending section 5, chapter 70, Laws of 1957 and RCW 51.04.080; amending section 12, chapter 70, Laws of 1957 and RCW 51.08.100; amending section 16, chapter 70, Laws of 1957 and RCW 51.08.140; amending section 37, chapter 70, Laws of 1957 and RCW 51.32.150; amending section 40, chapter 70, Laws of 1957 and RCW 51.44.050; amending section 41, chapter 70, Laws of 1957 and RCW 51.44.060; amending section 42, chapter 70, Laws of 1957 and RCW 51.44.070; amending section 2, chapter 74, Laws of 1955 and RCW 51.12.010; amending section 3, chapter 67, Laws of 1919 and RCW 51.12.090; amending section 5, chapter 132, Laws of 1929 and RCW 51.12.110; amending section 2, chapter 235, Laws of 1941 and RCW 51.16.040; amending section 53, chapter 70, Laws of 1957 and RCW 51.16.010; amending section 47, chapter 70, Laws of 1957 and RCW 51.16.060; amending section 50, chapter 70, Laws of 1957 and RCW 51.16.110; amending section 1, chapter 219, Laws of 1945 and RCW 51.16.120; amending section 1, chapter 183, Laws of 1947 and RCW 51.44.040; adding a new section to chapter 74, Laws of 1911 and to chapter 51.28 RCW; adding a new section to chapter 74, Laws of 1911 and to chapter 51.32 RCW; and repealing section 1, chapter 360, Laws of 1955 and RCW 51.16.061; and amending section 4, chapter 132,

Laws of 1929, section 1, chapter 214, Laws of 1951, and RCW 51.16.150, 51.16.160, and 51.16.170, adding a new section to chapter 51.08 RCW; and declaring an emergency.

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

SECTION 1. Section 4, chapter 70, Laws of 1957 and RCW 51.04.070 are each amended to read as follows:

RCW 51.04.070 amended.

A minor working at an age legally permitted under the laws of this state shall be deemed sui juris for the purpose of this title, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, except as expressly provided in this title, but in the event of a lump sum payment becoming due under this title to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors and, in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this title, the director may allow from the accident fund toward the expenses of such guardianship, not to exceed the sum of fifty dollars in any one case: *Provided*, That in case any such minor is awarded a lump sum payment of not more than seven hundred fifty dollars, the director may make payment direct to such minor without the necessity of the appointment of a guardian.

Minor workman is sui juris—Guardianship expense allowance.

SEC. 2. Section 5, chapter 70, Laws of 1957 and RCW 51.04.080 are each amended to read as follows:

RCW 51.04.080 amended.

On all claims under this title, the division of industrial insurance shall not forward claimants' written notices, orders, and warrants to, or in care of, any representative of the claimant, but shall forward such notices, orders and warrants directly to the claimant until such time as the supervisor of indus-

Sending notices, orders, warrants to claimants.

trial insurance shall have entered an order on the claim appealable to the board of industrial insurance appeals.

RCW 51.08.100 amended.

SEC. 3. Section 12, chapter 70, Laws of 1957 and RCW 51.08.100 are each amended to read as follows:

"Injury."

"Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.

RCW 51.08.140 amended.

SEC. 4. Section 16, chapter 70, Laws of 1957 and RCW 51.08.140 are each amended to read as follows:

"Occupational disease."

"Occupational disease" means such disease or infection as arises naturally and proximately out of employment under the mandatory or elective adoption provisions of Title 51.

RCW 51.32.150 amended.

SEC. 5. Section 37, chapter 70, Laws of 1957 and RCW 51.32.150 are each amended to read as follows:

Lump sum to beneficiary outside state.

If a beneficiary shall reside or remove out of the state, the department may, with the written consent of the beneficiary, convert any monthly payments provided for such cases into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of eight-five hundred dollars).

RCW 51.44.050 amended.

SEC. 6. Section 40, chapter 70, Laws of 1957 and RCW 51.44.050 are each amended to read as follows:

"Catastrophe injury account."

There shall be a special account within the accident fund to be known as the "catastrophe injury account" which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.130.

SEC. 7. Section 41, chapter 70, Laws of 1957 and RCW 51.44.060 are each amended to read as follows:

RCW 51.44.060 amended.

The charge to each class of the accident fund to defray charges against the catastrophe injury account shall be made on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding calendar year shall be used in determining the proportionate charge to each class for the catastrophe injury account.

Charges to defray catastrophe account.

SEC. 8. Section 42, chapter 70, Laws of 1957 and RCW 51.44.070 are each amended to read as follows:

RCW 51.44.070 amended.

For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of two percent per annum.

Transfers from accident to reserve fund—Annuity table.

SEC. 9. Section 2, chapter 74, Laws of 1955 and RCW 51.12.010 are each amended to read as follows:

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

Vetoed.

the term "extrahazardous" wherever used in this title, to wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundaries, 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; transfer, 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.

Vetoed.

Note: See also section 1, chapter 55, Laws of 1959.

RCW 51.12.090
amended.

SEC. 10. Section 3, chapter 67, Laws of 1919 and RCW 51.12.090 are each amended to read as follows:

Interstate
and intrastate
commerce.

The provisions of this title shall apply to employers and workmen (other than railways and their workmen) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of lia-

bility or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen engaged in interstate or foreign commerce: *Provided*, That as to workmen whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: *Provided further*, That nothing in this title shall be construed to exclude goods or materials and/or workmen brought into this state for the purpose of engaging in extra-hazardous work.

SEC. 11. Section 5, chapter 132, Laws of 1929 and RCW 51.12.110 are each amended to read as follows:

RCW 51.12.110 amended.

Any employer engaged in any occupation other than those enumerated or declared to be under this title, may make written application to the director to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon the director, through the division of industrial insurance, shall fix such rates, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. When such rate is fixed the applicant may file notice in writing with the supervisor of industrial insurance of his or its election to contribute under this title, and shall forthwith display in a conspicuous manner about his or its works and in a sufficient number of places to reasonably inform his or its workmen of the fact, printed notices furnished by the department stating that he or it has elected to contribute to the accident fund and the medical aid fund and stating when said election will become

Elective adoption.

effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his or its workmen as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: *Provided*, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action.

**RCW 51.16.040
amended.**

SEC. 12. Section 2, chapter 235, Laws of 1941 and RCW 51.16.040 are each amended to read as follows:

**Basis for
determining
occupational
disease
premiums.**

The compensation and benefits provided for occupational diseases shall be paid from the same funds and in the same manner as compensation and benefits for injuries under the industrial insurance and medical aid acts and the contributions of employers to pay for occupational diseases shall be determined, assessed, and collected in the same manner and as a part of the premiums for employment under the mandatory or elective adoption provisions of Title 51.

**RCW 15.16.010
amended.**

SEC. 13. Section 53, chapter 70, Laws of 1957 and RCW 51.16.010 are each amended to read as follows:

Inasmuch as industry should bear the greater portion of the cost of its accidents and occupational diseases and furnish medical, surgical and hospital care and treatment to its injured workmen in the proportion in which it produces injury and creates expense, each employer shall, prior to the last day of January, April, July and October of each year, pay into the state treasury (1) for the accident fund and (2) for the medical aid fund, a certain number of cents for each man hour worked by the workmen in his employ, engaged in extrahazardous employment; if, however, there should be a deficit in any class or subclass, the director, through the supervisor of industrial insurance, shall assess the same against all the contributors to such class or subclass during the calendar year or fraction thereof in which said deficit was incurred or created. The director may promulgate, change, and revise such rates according to the condition of the accident and medical aid funds, and establish rates for industries to be hereafter declared extrahazardous and which voluntarily seek coverage under the elective adoption provisions.

Enabling provisions for establishing premium rates — Quarterly payments.

SEC. 14. Section 47, chapter 70, Laws of 1957 and RCW 51.16.060 are each amended to read as follows:

RCW 51.16.060 amended.

Every employer shall, on or before the last day of January, April, July and October of each year hereafter, furnish the department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes provided in this title, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval

Quarterly report of payrolls.

of the director: *Provided*, That the director may in his discretion and for the effective administration of Title 51 require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed.

RCW 51.16.110 amended.

SEC. 15. Section 50, chapter 70, Laws of 1957 and RCW 51.16.110 are each amended to read as follows:

New businesses or resumed operations.

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with a cash deposit in a sum equal to the premiums on the estimate of his payroll and workmen hours for the first three calendar months of his proposed operations which shall remain on deposit subject to the other provisions of this section.

The director may, in his discretion and in lieu of such deposit, accept a bond, in an amount which he deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums to the accident fund and medical aid fund based on his actual workmen hours as provided by RCW 51.16.010 and 51.16.060.

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the director may, in his discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under RCW 51.08.070, the director shall, upon receipt of all payments due the accident fund and medical

aid fund based on the actual workmen hours, refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July 1st date, which said cost experience shall be computed in accordance with the provisions of RCW 51.16.020, and shall be liable for a premium of at least one dollar per month irrespective of the amount of his workmen hours reported during said month to the department.

Note: See also section 2, chapter 179, Laws of 1959.

SEC. 16. Section 1, chapter 219, Laws of 1945 and RCW 51.16.120 are each amended to read as follows:

RCW 51.16.120 amended.

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 title 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 be charged only with the accident cost which would have resulted solely from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. 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 account.

Distribution of further accident cost where new employer.

SEC. 17. Section 1, chapter 183, Laws of 1947 and RCW 51.44.040 are each amended to read as follows:

RCW 51.44.040 amended.

There shall be a special account within the acci-

Second injury account.

dent fund to be known and designated as the "second injury account," which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120.

The charge to each class of the accident fund to defray charges against the second injury account shall be made on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding calendar year shall be used in determining the proportionate charge to each class for the second injury account.

New section.

SEC. 18. There is added to chapter 74, Laws of 1911 and to chapter 51.28 RCW a new section to read as follows:

Occupational disease claims, when filed.

Claims for occupational disease or infection to be valid and compensable must be filed within one year following the date the workman had notice from a physician of the existence of his occupational disease, without reference to its date of origin.

New section.

SEC. 19. There is added to chapter 74, Laws of 1911 and to chapter 51.32 RCW a new section to read as follows:

Occupational disabilities, compensation and benefits.

Every workman who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his family and dependents in case of death of the workman from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in employment under the industrial insurance and medical aid acts of the state: *Provided, however,* That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

SEC. 20. Section 1, chapter 360, Laws of 1955 and RCW 51.16.061 are each repealed. Repeal.

SEC. 21. Section 4, chapter 132, Laws of 1929 and section 1, chapter 214, Laws of 1951 (heretofore divided and codified as RCW 51.16.150, 51.16.160 and 51.16.170) are divided and amended to read as set forth in sections 2 through 4 of this act.

SEC. 22. (RCW 51.16.150) If any employer shall default in any payment to the accident fund or the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, there shall also be collected a penalty equal to twenty-five percent of the amount of the defaulted payment or payments, and the director may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to the director's satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting an extrahazardous occupation or work until such bond is furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant, or lease thereto, shall be invalid until all past delinquencies are made good, and such bond furnished.

RCW 51.16.150
enacted without
amendment.

RCW 51.16.160
amended.
Priority of
lien for
premiums.

SEC. 23. (RCW 51.16.160) All actions for the recovery of delinquent premiums and penalties shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the department of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact.

RCW 51.16.170
amended.
Priority
against
third party
interests—
Notice of lien.

SEC. 24. (RCW 51.16.170) Separate and apart from and in addition to the foregoing provisions in this chapter, the claims of the state for payments and penalties due under this title shall be a lien prior to all other liens or claims and on a parity with prior tax liens not only against the interest of any employer, but against the interests of all others, in real estate, plant, works, equipment, and buildings improved, operated, or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the department shall, within four months

after the employer has made report of his payroll and has defaulted in the payment of his premiums thereupon, file with the county auditor of the county within which such property is then situated, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the department. If any employer fails or refuses to make report of his payroll, the lien hereby created shall continue in full force and effect, although the amount thereof is undetermined and the four months' time within which the department shall file its claim of lien shall not begin to run until the actual receipt by the department of such payroll report. From and after the filing of such claim of lien, the department shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property, and in such suit the certificate of the department stating the date of the actual receipt by the department of such payroll report shall be prima facie evidence of such fact.

SEC. 25. There is added to chapter 51.08 RCW a new section to read as follows: New section.

Wherever and whenever in any of the provisions of Title 51 relating to any payments by an employer the words "amount" and/or "amounts," "payment" and/or "payments," "premium" and/or "premiums," and "contribution" and/or "contributions" appear said words shall be construed to mean taxes, which are the money payments by an employer which are required by this title to be made to the state treasury for the accident fund and for the medical aid fund. Words construed as taxes.

SEC. 26. The provisions of section 25 of this amendatory act shall be construed as a restatement and continuation of existing law, and not as Construction of section 25.

a new enactment. It shall not be construed as affecting any existing right acquired under its provisions, nor as affecting any proceeding instituted thereunder.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959, with the exception of section 9, which is vetoed.

Veto message,
excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"Section 9 amends section 2, chapter 74 of the Laws of 1955 and RCW 51.12.010. This section was also amended by House Bill 139 which has passed the legislature and which has received my approval. (Measure is now identified as Chapter 55, Laws of 1959.)

"House Bill No. 139 extends the coverage of industrial insurance to janitors, chambermaids, porters, bellmen, pin-setters, elevator operators and maintenance men. Section 9 of this act does not extend the benefits of industrial insurance to these named categories. Section 9 merely makes a technical amendment in the present law by striking a comma and inserting a semicolon.

"In order to preserve the full force and effect of House Bill No. 139, I deem it advisable to veto Section 9 of this bill. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 309.

[H. B. 529.]

FOOD FISH AND SHELLFISH—LICENSES.

AN ACT relating to the taking of food fish and shellfish; amending section 2, chapter 276, Laws of 1955 and RCW 75.12.140; amending section 75.28.010, chapter 12, Laws of 1955 and RCW 75.28.010; amending section 2, chapter 171, Laws of 1957 and RCW 75.28.013; amending section 3, chapter 171, Laws of 1957 and RCW 75.28.014; amending section 75.28-.030, chapter 12, Laws of 1955 and RCW 75.28.030; amending section 75.28.060, chapter 12, Laws of 1955, as last amended by section 3, chapter 212, Laws of 1955, and RCW 75.28.060; amending section 75.28.100, chapter 12, Laws of 1955 and RCW 75.28.100; amending section 75.28.110, chapter 12, Laws of 1955 and RCW 75.28.110; amending section 75.28.120, chapter 12, Laws of 1955 and RCW 75.28.120; amending section 75.28.130, chapter 12, Laws of 1955 and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 and RCW 75.28.140; amending section 75.28.150, chapter 12, Laws of 1955 and RCW 75.28.150; amending section 75.28.160, chapter 12, Laws of 1955 and

RCW 75.28.160; amending section 75.28.170, chapter 12, Laws of 1955 and RCW 75.28.170; amending section 75.28.180, chapter 12, Laws of 1955 and RCW 75.28.180; amending section 75.28.190, chapter 12, Laws of 1955 and RCW 75.28.190; amending section 75.28.210, chapter 12, Laws of 1955 and RCW 75.28.210; amending section 75.28.220, chapter 12, Laws of 1955 and RCW 75.28.220; amending section 75.28.230, chapter 12, Laws of 1955 and RCW 75.28.230; amending section 75.28.240, chapter 12, Laws of 1955 and RCW 75.28.240; amending section 75.28.250, chapter 12, Laws of 1955 and RCW 75.28.250; amending section 75.28.260, chapter 12, Laws of 1955 and RCW 75.28.260; amending section 75.28.270, chapter 12, Laws of 1955 and RCW 75.28.270; adding a new section to chapter 12, Laws of 1955 and to chapter 75.12 RCW; adding new sections to chapter 12, Laws of 1955 and to chapter 75.28 RCW; repealing section 4, chapter 171, Laws of 1957 and RCW 75.28.015; repealing section 75.28.195, chapter 12, Laws of 1955 and RCW 75.28.195; and repealing section 75.28.200, chapter 12, Laws of 1955 and RCW 75.28.200.

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

SECTION 1. Section 2, chapter 276, Laws of 1955 and RCW 75.12.140 are each amended to read as follows:

RCW 75.12.140 amended.

The following reef net fishing areas are hereby created: *Provided*, That nothing in this section and RCW 75.12.150 and 75.12.160 shall be interpreted as prohibiting other types of legal gear from fishing within the areas created:

Reef net fishing areas created.

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point one mile distant, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D. C., eleventh edition.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on

Reef net
fishing areas
created.

the mainland at longitude $122^{\circ} 44' 54''$ latitude $48^{\circ} 51' 48''$ and longitude $122^{\circ} 44' 18''$ latitude $48^{\circ} 51' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Village Point 208° true to a point 900 yards distant, thence 129° true to the point of intersection with a line projected 259° true from the shore of Lummi Island at $122^{\circ} 40' 42''$ longitude $48^{\circ} 41' 32''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence 200° true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(5) Flat Point reef net fishing area includes those waters within a radius of 125 feet of a point off Lopez Island located at longitude $122^{\circ} 55' 24''$ longitude $48^{\circ} 32' 33''$, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude $122^{\circ} 55' 04''$ longitude $48^{\circ} 31' 59''$ and longitude $122^{\circ} 55' 54''$ longitude $48^{\circ} 30' 55''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered

6380, published March, 1947, in Washington, D. C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude $122^\circ 53' 00''$ latitude $48^\circ 25' 39''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude $122^\circ 51' 11''$ latitude $48^\circ 25' 14''$ southeasterly 800 yards to the submerged rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude $122^\circ 50' 49''$ latitude $48^\circ 25' 42''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude $122^\circ 56' 14''$ latitude $48^\circ 33' 28''$ and longitude $122^\circ 57' 29''$ latitude $48^\circ 32' 58''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Reef net
fishing areas
created.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 47''$ and longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$ latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, Washington, D. C., eighth edition.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude $123^{\circ} 11' 34\frac{1}{2}''$ latitude $48^{\circ} 35' 27\frac{1}{2}''$ and a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U.S.G.S. map number 6380 at longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49\frac{1}{2}''$, and projected 50 feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(17) Smugglers Cove reef fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$ and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude $123^{\circ} 09' 53\frac{1}{2}''$ latitude $48^{\circ} 33' 00''$ and the cable crossing sign in Andrews Bay, at longitude $123^{\circ} 09' 45''$ latitude $48^{\circ} 33' 04''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered

6380, published March, 1947, in Washington, D. C., eighth edition.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude 122° 57' 40" latitude 48° 41' 06" thence northeasterly to a point 500 feet true west of Point Doughty, then true east to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

RCW 75.28.010 amended.

SEC. 2. Section 75.28.010, chapter 12, Laws of 1955 and RCW 75.28.010 are each amended to read as follows:

Licenses required.

It shall be unlawful for any person to engage in any phase of the commercial fishing industry or to operate any fishing gear known as or classified as commercial fishing gear by the director, or to fish for, take, deliver, or land any fish in the state, whether taken from waters within or without the jurisdiction of the state, without first obtaining and having in possession such licenses or delivery permits as are herein specified.

Any person violating any of the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars.

RCW 75.28.013 amended.

SEC. 3. Section 2, chapter 171, Laws of 1957 and RCW 75.28.013 are each amended to read as follows:

—Separate licenses required in each district—Fees.

Every owner of a commercial fishing vessel shall obtain an annual commercial salmon fishing license, for each licensing district, used in the lawful commercial taking of salmon therein. The fees for such commercial salmon fishing license shall be in the amounts as set forth in this chapter prescribed by the type of gear employed in the taking of food fish and shellfish. The license fees for such fishing

in one district only shall be in the amounts as set forth in this chapter. Such license fees for such fishing in more than one district shall be, in each such additional district, three times the amounts required for fishing in one district only, except such license fees for fishing in an additional district shall be two times the amounts required for fishing in one district, where such additional district is a joint jurisdictional waters district: *Provided*, That additional licenses shall not be required for fishing in more than one district for species of fish other than salmon.

SEC. 4. Section 3, chapter 171, Laws of 1957 and RCW 75.28.014 are each amended to read as follows:

RCW 75.28.014 amended.

Applications accompanied by the prescribed fees for the licenses required in RCW 75.28.013, as amended, shall be made in person, or postmarked not later than midnight of February 1st of the year in which the commercial salmon fishing license is to be effected.

—Application for licenses, when.

SEC. 5. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

New section.

Every person, or persons or corporations operating a fishing vessel of any description used in the commercial taking or catching of food fish or shellfish in offshore waters, and the transportation or possession of food fish or shellfish through the waters of the state of Washington, and delivering the food fish or shellfish in any port in the state of Washington shall as a condition of doing so, obtain a delivery permit from the director of fisheries. The fees for such permit shall be ten dollars: *Provided*, That any permittee under RCW 75.18.080 will not be required to obtain the above prescribed permit.

Delivery permit required
—Fee—
Exception.

SEC. 6. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

New section.

Commercial
fishing license
—Fee—
Exception.

Every owner of a commercial fishing vessel shall obtain an annual commercial fishing license, not otherwise provided for in this chapter, for the taking of fish and shellfish within the state of Washington, provided that licensed oyster and clam farmers are not subject to this section. The fees for commercial fishing licenses required in this section shall be in the amounts set forth in this chapter prescribed by the type gear employed in the taking of food fish and shellfish.

RCW 75.28.030
amended.

SEC. 7. Section 75.28.030, chapter 12, Laws of 1955 and RCW 75.28.030 are each amended to read as follows:

Application
for licenses,
permits—
Remittance
of fees.

The director shall issue commercial fishing licenses and delivery permits herein required to any qualified person, upon the receipt of a lawful application therefor upon a blank to be furnished for that purpose, accompanied by the required fee. Applicants for delivery permits and all commercial fishing licenses shall indicate at the time of application the species of fish or shellfish that the applicants intend to take or catch and the type of gear they intend to use in the taking or catching of the fish or shellfish.

RCW 75.28.060
amended.

SEC. 8. Section 75.28.060, chapter 12, Laws of 1955, as last amended by section 3, chapter 212, Laws of 1955, and RCW 75.28.060 are each amended to read as follows:

Commercial
fishing licenses
transferable.

All commercial fishing licenses provided for in this chapter shall be transferable. It shall be unlawful for any license to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. In the event a commercial license is transferred from a resident of the state of Washington to a nonresident the transferee shall be required to pay the difference between the fees for a resident and nonresident licensee.

SEC. 9. Section 75.28.100, chapter 12, Laws of 1955 and RCW 75.28.100 are each amended to read as follows:

RCW 75.28.100 amended.

Each annual application for a commercial fishing license or a delivery permit provided for in this chapter shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such information as may be required by the department.

Contents of applications—
Certificate of registration—
License plates—
—Procedure on change in ownership.

At the time of issuance of such licenses or delivery permit the director shall furnish each applicant with a certificate of registration and two license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward.

The license or delivery permit provided for herein shall be invalid in the event the vessel is operated by anyone other than the operator listed in the application. In the event of change of name, ownership or operator of the vessel, the director shall be notified in writing and will issue a new certificate of registration which will effect a change of name or ownership or operator, as the case may be. A fee of ten dollars shall be charged for the new certificate of registration.

Registrants shall report immediately any change of name, ownership, or operator of the vessel. Defaced, mutilated, or lost license plates shall be replaced immediately and a fee of two dollars shall be charged for such new plates.

SEC. 10. Section 75.28.110, chapter 12, Laws of

RCW 75.28.110 amended.

1955 and RCW 75.28.110 are each amended to read as follows:

Fee, hand line or jigger license.

The fee for all licenses prescribed in this chapter employing hand lines or jig lines in the taking of fish and shellfish shall be seventeen dollars and fifty cents per annum for residents and thirty-five dollars per annum for nonresidents. Each license shall entitle the licensee to use three hooks only.

RCW 75.28.120 amended.

SEC. 11. Section 75.28.120, chapter 12, Laws of 1955 and RCW 75.28.120 are each amended to read as follows:

Fee, set line license.

The fee for all licenses prescribed in this chapter employing set lines in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents. Each license shall entitle the licensee to use no more than three set lines of not more than five hundred hooks to each set line.

RCW 75.28.130 amended.

SEC. 12. Section 75.28.130, chapter 12, Laws of 1955 and RCW 75.28.130 are each amended to read as follows:

Fee, troll line license.

The fee for all licenses prescribed in this chapter employing troll lines in the taking of fish and shellfish shall be seventeen dollars and fifty cents per annum for residents and thirty-five dollars per annum for nonresidents. Each license shall entitle the licensee to use six or less troll lines.

RCW 75.28.140 amended.

SEC. 13. Section 75.28.140, chapter 12, Laws of 1955 and RCW 75.28.140 are each amended to read as follows:

Fee, gill net license.

The fee for all licenses prescribed in this chapter employing gill nets in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents. The incidental catch of sturgeon lawfully taken is permitted under the gill net license.

SEC. 14. Section 75.28.150, chapter 12, Laws of 1955 and RCW 75.28.150 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing set nets in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents.

RCW 75.28.150 amended.
Fee, set net license.

SEC. 15. Section 75.28.160, chapter 12, Laws of 1955 and RCW 75.28.160 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing dip bag nets in the taking of fish and shellfish shall be seventeen dollars and fifty cents per annum for residents and thirty-five dollars per annum for nonresidents.

RCW 75.28.160 amended.
Fee, dip bag net license.

SEC. 16. Section 75.28.170, chapter 12, Laws of 1955 and RCW 75.28.170 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing drag seines in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents.

RCW 75.28.170 amended.
Fee, drag seine license.

SEC. 17. Section 75.28.180, chapter 12, Laws of 1955 and RCW 75.28.180 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing lampara nets in the taking of fish and shellfish shall be forty-seven dollars and fifty cents per annum for residents and ninety-five dollars per annum for nonresidents.

RCW 75.28.180 amended.
Fee, lampara net license.

SEC. 18. Section 75.28.190, chapter 12, Laws of 1955 and RCW 75.28.190 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing purse seines (drum seines, table seines, power block seines) in the taking of fish and shellfish shall be eighty-five dollars per annum for residents

RCW 75.28.190 amended.
Fee, purse seine license.

and one hundred and seventy dollars per annum for nonresidents.

RCW 75.28.210 amended.

SEC. 19. Section 75.28.210, chapter 12, Laws of 1955 and RCW 75.28.210 are each amended to read as follows:

Fee for otter beam or shrimp trawl license.

The fee for all licenses prescribed in this chapter employing otter trawls, beam trawls or shrimp trawls in the taking of fish or shellfish shall be forty-seven dollars and fifty cents per annum for residents and ninety-five dollars per annum for nonresidents.

RCW 75.28.220 amended.

SEC. 20. Section 75.28.220, chapter 12, Laws of 1955 and RCW 75.28.220 are each amended to read as follows:

Fee, reef net license.

The fee for all licenses prescribed in this chapter employing reef nets in the taking of fish and shellfish shall be thirty-two dollars and fifty cents per annum for residents and sixty-five dollars per annum for nonresidents.

RCW 75.28.230 amended.

SEC. 21. Section 75.28.230, chapter 12, Laws of 1955 and RCW 75.28.230 are each amended to read as follows:

Fee, fyke net license.

The fee for all licenses prescribed in this chapter employing fyke nets in the taking of fish and shellfish shall be fifteen dollars per annum for residents and thirty dollars per annum for nonresidents.

RCW 75.28.240 amended.

SEC. 22. Section 75.28.240, chapter 12, Laws of 1955 and RCW 75.28.240 are each amended to read as follows:

Fee, brush weir license.

The fee for all licenses prescribed in this chapter employing brush weirs in the taking of fish and shellfish shall be seventy-five dollars per annum for residents and one hundred and fifty dollars per annum for nonresidents.

RCW 75.28.250 amended.

SEC. 23. Section 75.28.250, chapter 12, Laws of 1955 and RCW 75.28.250 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing ring nets in the taking of fish and shellfish shall be seventeen dollars and fifty cents per annum for residents and thirty-five dollars per annum for nonresidents.

Fee, ring net license.

SEC. 24. Section 75.28.260, chapter 12, Laws of 1955 and RCW 75.28.260 are each amended to read as follows:

RCW 75.28.260 amended.

The fee for all licenses prescribed in this chapter employing bottom fish or devil fish pots in the taking of fish or shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents. For each bottom fish pot in excess of one hundred there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents by nonresidents.

Fee, bottom fish or devil fish license.

SEC. 25. Section 75.28.270, chapter 12, Laws of 1955 and RCW 75.28.270 are each amended to read as follows:

RCW 75.28.270 amended.

The fee for all licenses prescribed in this chapter employing shellfish pots in the taking of fish and shellfish shall be twenty-five dollars per annum for residents and fifty dollars per annum for nonresidents. For each shellfish pot in excess of one hundred there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents by nonresidents.

Fee, shellfish pot license.

SEC. 26. There is added to chapter 12, Laws of 1955 and to chapter 75.12 RCW a new section to read as follows:

New section.

It shall be unlawful for any person to install, use, operate, or maintain within any waters of the state any monofilament gill net webbing of any description for the purpose of catching salmon, and it shall be unlawful to take salmon by any such means or with such gear.

Use of monofilament gill net webbing unlawful.

Repeal.

SEC. 27. Section 4, chapter 171, Laws of 1957 and RCW 75.28.015, section 75.28.195, chapter 12, Laws of 1955 and RCW 75.28.195, and section 75.28.200, chapter 12, Laws of 1955 and RCW 75.28.200 are each repealed.

Passed the House March 3, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.



CHAPTER 310.

[H. B. 577.]

DISPOSAL OF PROPERTY BY DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT.

AN ACT relating to disposal of property by the department of commerce and economic development; and adding a new section to chapter 174, Laws of 1957 and to chapter 43.31 RCW.

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

New section.

SECTION 1. There is added to chapter 174, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows:

Sale of world fair property authorized.

The department of commerce and economic development is authorized to sell or otherwise dispose of for valuable consideration any property acquired or constructed by it under the provisions of RCW 43.31.500 through 43.31.650: *Provided*, That the sale price, or valuable consideration to be received, shall not be less than the value of the property which value shall be determined by a board of three independent appraisers appointed by the department: *Provided further*, That in the case of special purpose buildings constructed for world fair use the department may make due allowance for the cost of the converted use thereof. Proceeds of the sale as herein provided shall be deposited in the world

fair bond redemption fund created under the provisions of RCW 43.31.620.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 311.

[H. B. 594.]

CITIES AND TOWNS—ANNEXATION.

AN ACT relating to annexation of unincorporated areas; and providing that county owned property shall not be annexed to the city without the consent of the county commissioners; and amending section 1, chapter 245, Laws of 1907, as amended by section 1, chapter 110, Laws of 1937, section 1, chapter 128, Laws of 1945, and RCW 35.13.010.

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

SECTION 1. Section 1, chapter 245, Laws of 1907, as amended by section 1, chapter 110, Laws of 1937, and section 1, chapter 128, Laws of 1945 (heretofore combined and codified as RCW 35.13.010) are each amended to read as follows:

RCW 35.13.010
amended.

Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation: *Provided*, That property owned by a county, and used for the purpose of an agricultural fair as provided in RCW 15.76 or RCW 36.37 shall not be subject to annexation without the consent of the majority of the board of county commissioners. An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

Authority for
annexation.

Passed the House February 27, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 312.

[H. B. 641.]

FISH MARKETING ACT.

AN ACT relating to fish marketing.

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

Short title. SECTION 1. This act may be cited as "The Fish Marketing Act."

Purpose. SEC. 2. The purpose of this act is to promote, foster, and encourage the intelligent and orderly marketing of fish and fishery products through co-operation; to eliminate speculation and waste; to make the distribution of fish and fishery products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of fish and fishery products.

Definitions. SEC. 3. As used in this act:
"Fishery products." (1) "Fishery products" includes fish, crustaceans, mollusks, and marine products for human consumption.

"Member." (2) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

"Association." (3) "Association" means any corporation organized under this act.

Associations nonprofit. SEC. 4. Associations shall be deemed "nonprofit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers of fishery products.

Application of Title 23. SEC. 5. The provisions of Title 23 RCW and all powers and rights thereunder, apply to associations, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

SEC. 6. No association is subject in any manner to the terms of chapter 21.04 RCW and all associations may issue their membership certificates or stock or other securities as provided in this division without the necessity of any permit from the director of licenses.

Chapter 21.04
RCW not to
apply.

SEC. 7. An association shall be deemed not to be a conspiracy, nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of the state; and the marketing contracts and agreements between the association and its members and any agreements authorized in this act shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations.

Associations
not in restraint
of trade.

SEC. 8. Any provisions of law which are in conflict with this act shall not be construed as applying to associations. Any exemptions under any laws applying to fishery products in the possession or under the control of the individual producer shall apply similarly and completely to such fishery products delivered by its members, in the possession or under the control of the association.

Conflicting law
inapplicable—
Personal ex-
emptions also
associations.

SEC. 9. Any two or more associations may be merged into one such constituent association or consolidated into a new association. Such merger or consolidation shall be made in the manner prescribed by chapter 23.40 RCW for domestic corporations.

Merger au-
thorized.

SEC. 10. If the association is organized with shares of stock, the articles shall state the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; and if the shares are to be without par value it shall be so stated.

Articles where
stock shares.

Articles where
classification
of shares.

Sec. 11. If the shares are to be classified, the articles shall contain a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock.

Articles where
nonshare
association.

SEC. 12. If the association is organized without shares of stock, the articles shall state whether the voting power and the property rights and interest of each member are equal or unequal; and if unequal the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed; and shall also provide for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules.

Bylaws to
be adopted.

SEC. 13. Each association shall within thirty days after its incorporation, adopt for its government and management, a code of bylaws, not inconsistent with this act. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such bylaws and is effectual to repeal or amend any bylaws or to adopt additional bylaws. The power to repeal and amend the bylaws, and adopt new bylaws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked.

Bylaws to
prohibit
transfer.

SEC. 14. The bylaws shall prohibit the transfer of the common stock or membership certificates of

the associations to persons not engaged in the production of the products handled by the association.

SEC. 15. The bylaws may provide:

Bylaws,
permissible
provisions in.

(1) The number of members constituting a quorum.

(2) The right of members to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members to cumulate their votes and the prohibition, if desired, of cumulative voting.

(3) The number of directors constituting a quorum.

(4) The qualifications, compensation and duties and term of office of directors and officers and the time of their election.

(5) Penalties for violations of the bylaws.

SEC. 16. The bylaws may provide:

—Same

(1) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(2) The amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members which every member may be required to sign.

(3) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight percent per annum and which dividends shall be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

Bylaws,
permissible
provisions in.

SEC. 17. The bylaws may provide:

(1) The number and qualification of members of the association and the conditions precedent to membership or ownership of common stock.

(2) The method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock.

(3) The manner of assignment and transfer of the interest of members and of the shares of common stock.

(4) The conditions upon which and time when membership of any member shall cease.

(5) For the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member.

(6) The manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders.

Bylaws,
meetings.

SEC. 18. The bylaws may provide for the time, place, and manner of calling and conducting meetings of the association.

Bylaws,
districts,
directors.

SEC. 19. The bylaws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In such case, the bylaws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of re-districting the territory covered by the association.

SEC. 20. The bylaws may provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members from the several territorial districts. In such case, the bylaws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

Bylaws, districts' representatives.

SEC. 21. The bylaws may provide that primary elections shall be held to nominate directors. Where the bylaws provide that the territory in which the association has members shall be divided into districts, the bylaws may also provide that the results of the primary elections in the various districts shall be final and shall be ratified at the annual meeting of the association.

Bylaws, elections.

SEC. 22. The bylaws may provide that one or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such directors shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members of the association, but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

Bylaws, nomination by other officials.

SEC. 23. The bylaws may provide that directors shall be elected for terms of from one to five years: *Provided*, That at each annual election the same fraction of the total number of directors shall be elected as one year bears to the number of years of the term of office.

Bylaws, terms of directors.

SEC. 24. The bylaws may provide for an executive committee and may allot to such committee

Bylaws, executive committee.

all the functions and powers of the board of directors, subject to the general direction and control of the board.

Members,
stockholders,
enumerated.

SEC. 25. (1) Under the terms and conditions prescribed in the bylaws, an association may admit as members, or issue common stock to, only such persons as are engaged in the production of fishery products to be handled by or through the association, including the lessees and tenants of boats and equipment used for the production of such fishery products and any lessors and landlords who receive as rent all or part of the fish produced by such leased equipment.

(2) If a member of a nonstock association is other than a natural person, such member may be represented by any individual duly authorized in writing.

(3) One association may become a member or stockholder of any other association.

Certificate of
membership,
when.

SEC. 26. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

Liability for
association
debts.

SEC. 27. No member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

Meetings,
where.

SEC. 28. Meetings of members shall be held at the place as provided in the bylaws; and if no provision is made, in the city where the principal place of business is located at a place designated by the board of directors.

Expulsion of
member,
property
disposal.

SEC. 29. In case of the expulsion of a member, and where the bylaws do not provide any procedure or penalty, the board of directors shall equitably

and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

SEC. 30. An association may:

Association powers.

Engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, or utilization of any fishery products produced or delivered to it by its members; or the manufacturing or marketing of the byproducts thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities.

SEC. 31. An association may borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members.

Powers, borrowing.

SEC. 32. An association may act as the agent or representative of any member or members in any of the two next preceding sections.

Powers, as agent.

SEC. 33. An association may establish reserves and invest the funds thereof in bonds or in such other property as may be provided in the bylaws.

Powers, investments.

SEC. 34. An association may purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the fishery products handled by the association.

Powers, stocks and bonds of others.

SEC. 35. An association may buy, hold and exercise all privileges or ownership, over such real or

Powers, ownership of property.

personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

Association powers, assessments.

SEC. 36. An association may levy assessments in the manner and in the amount provided in its bylaws.

Powers, contracting.

SEC. 37. An association may do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects enumerated in this act; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; and in addition exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this act; and do any such thing anywhere.

Powers, use of facilities.

SEC. 38. An association may use or employ any of its facilities for any purpose: *Provided*, That the proceeds arising from such use and employment go to reduce the cost of operation for its members; but the fishery products of nonmembers shall not be dealt in to an amount greater in value than such as are handled by it for its members.

Powers, own stock in, be member, other corporation.

SEC. 39. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling of the fishery products handled by the association, or the byproducts thereof.

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this state or the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

SEC. 40. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, association, or associations, formed in this or in any other state, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means, and agencies for carrying on and conducting their respective business.

Powers,
agreements
with other
corporations,
associations.

SEC. 41. An association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over fifteen years, all or any specified part of their fishery products or specified commodities exclusively to or through the association or any facilities to be created by the association.

Powers,
marketing
agreements.

Association powers, sales to by members.

SEC. 42. If the members contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery or at any other time expressly and definitely specified in the contract.

Contracts with members, permissible provisions.

SEC. 43. The contract may provide that the association may sell or resell the fishery products delivered by its members, with or without taking title thereto; and pay over to its members the resale price, after deducting all necessary selling, overhead, and other costs and expenses, including interest on preferred stock, not exceeding eight percent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight percent per annum upon common stock.

—Same.

SEC. 44. The marketing contract may fix, as liquidated damages, specific sums to be paid by the member to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of fishery products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.

—Injunctive relief.

SEC. 45. In the event of any such breach or threatened breach of such marketing contract by a member the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the

breach or threatened breach, and upon filing sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

SEC. 46. In any action upon such marketing agreements, it shall be conclusively presumed that a landlord or lessor is able to control the delivery of fishery products produced by his equipment by tenants, or others, whose tenancy or possession or work on such equipment or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for nondelivery or breach shall lie and be enforceable against such landlord or lessor.

—Presumption in actions.

SEC. 47. A contract entered into by a member of an association, providing for the delivery to such association of products produced or acquired by the member, may be specifically enforced by the association to secure the delivery to it of such fishery products, any provisions of law to the contrary notwithstanding.

—Specific enforcement.

Passed the House March 3, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 313.

[H. B. 337.]

STATE SAFETY COUNCIL.

AN ACT relating to state government; transferring the Washington state safety council from the executive department to the state patrol; and amending section 16, chapter 247, Laws of 1951 and RCW 43.60.010.

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

RCW 43.60.010 amended.

SECTION 1. Section 16, chapter 247, Laws of 1951 and RCW 43.60.010 are each amended to read as follows:

Council administration transferred.

The Washington state safety council, hereinafter referred to as the council, is hereby assigned to the Washington state patrol for purposes of administration and supervision.

Passed the House March 6, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 314.

[H. B. 405.]

FOREST DEVELOPMENT ACCOUNT.

AN ACT relating to the forest development fund; creating a forest development account in the general fund; and amending section 6, chapter 154, Laws of 1923, as last amended by section 1, chapter 149, Laws of 1951 and RCW 76.12.110.

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

RCW 76.12.110 amended.

SECTION 1. Section 6, chapter 154, Laws of 1923, as last amended by section 1, chapter 149, Laws of 1951 and RCW 76.12.110 are each amended to read as follows:

There is created a forest development account in the state general fund. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the board, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums shall be withdrawn or paid out of the account except upon approval of the board.

Forest
development
account.

Appropriations may be made by the legislature from the forest development account to the department of natural resources for the purpose of carrying on the activities of the department on county trust and fee title forest board lands.

Passed the House February 23, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 315.

[H. B. 555.]

DIRECTOR OF FISHERIES AND GAME COMMISSION— COOPERATION WITH OREGON.

AN ACT relating to state government; prescribing certain powers and duties for the director of fisheries and the state game commission; adding a new section to chapter 12, Laws of 1955, and to Title 75 RCW; and adding a new section to chapter 36, Laws of 1955, and to Title 77 RCW.

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

SECTION 1. A new section is added to chapter 12, Laws of 1955, and to Title 75 RCW, to read as follows:

New section.

In addition and supplemental to any other powers and duties as provided by law, the director of

Cooperation with Oregon agencies authorized.

fisheries of the state of Washington is hereby authorized to cooperate with the fish and game commissions of the state of Oregon in the promulgation of rules and regulations to assure an annual yield of aquatic products on the Columbia river and to prevent the taking of these products at such places or at such times as might actually endanger the brood stock of such aquatic products.

New section.

SEC. 2. A new section is added to chapter 36, Laws of 1955, and to Title 77 RCW, to read as follows:

Cooperation with Oregon agencies authorized.

In addition and supplemental to any other powers and duties as provided by law, the game commission of the state of Washington is hereby authorized to cooperate with the fish and game commissions of the state of Oregon in the promulgation of rules and regulations to assure an annual yield of aquatic products on the Columbia river and to prevent the taking of these products at such places or at such times as might actually endanger the brood stock of such aquatic products.

Passed the House February 25, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 316.

[H. B. 698.]

ELECTIVE OFFICIALS—SALARIES.

AN ACT relating to state government; fixing salaries of elective state officers; and amending section 1, chapter 48, Laws of 1949 and RCW 43.03.010.

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

RCW 43.03.010 amended.

SECTION 1. Section 1, chapter 48, Laws of 1949 and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: **[Governor, twenty-two thousand five hundred dollars;]* lieutenant governor, seven thousand dollars; secretary of state, twelve thousand dollars; state treasurer, twelve thousand dollars; state auditor, twelve thousand dollars; attorney general, fourteen thousand five hundred dollars; superintendent of public instruction, fourteen thousand dollars; commissioner of public lands, twelve thousand dollars; state insurance commissioner, twelve thousand dollars; members of the legislature shall receive for their services twelve hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

Salaries of
elected state
officers.

Passed the House March 7, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959, with the exception of the first unnumbered item of section 1, which is vetoed.

* Language set in italics and enclosed in brackets vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"House Bill No. 698 increases the salary of the Lieutenant Governor from \$6,000 to \$7,000 per annum. The salaries of the Secretary of State, the State Treasurer, the State Auditor, the State Insurance Commissioner and the Commissioner of Public Lands from \$8,500 to \$12,000. The salary of the Attorney General is increased from \$10,000 to \$14,500, and that of the Superintendent of Public Instruction from \$8,500 to \$14,000.

Veto message,
excerpt.

"The first unnumbered item of section 1 reading as follows: 'Governor, twenty-two thousand five hundred dollars;' is vetoed.

"As Chief Executive of this state it is my responsibility to recommend to the legislature a program calling for appropriations for the proper functioning of the different agencies of government in order that proper provision be made for needed services. At the same time it is my responsibility to submit to the legislature a revenue program to balance appropriations made. In view of the staggering amount of revenue needed during the coming biennium, I have insisted on effecting every possible economy which could be made, and have limited my

Veto message, excerpt.

request to the legislature for appropriations to those items which I feel are absolutely necessary and essential in the administration of a forward looking and progressive state. I am firmly convinced that adequate salaries for state public elected officials and for state employees are essential. I have, therefore, acquiesced in the legislative determination of increases in salaries for elected public officials. This bill provides only moderate increases and brings their salary in line with many county elected officials.

"On the other hand, I have time and time again stated publicly and have advised the legislature that I did not advocate, did not ask for and do not want a raise in salary for the office of the Governor. It is my firm conviction that the Governor's salary should not be raised at this time. It is my considered judgment that economy begins at home.

"For these reasons I have eliminated from this bill the provision increasing the salary of Governor.

"The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 317.

[H. B. 18.]

PARKS AND RECREATION COMMISSION.

AN ACT relating to parks and recreation; and amending section 2, chapter 149, Laws of 1921 as last amended by section 1, chapter 391, Laws of 1955 and RCW 43.51.040.

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

RCW 43.51.040 amended.

SECTION 1. Section 2, chapter 149, Laws of 1921 as last amended by section 1, chapter 391, Laws of 1955 and RCW 43.51.040 are each amended to read as follows:

The commission shall:

Powers and duties—Mandatory.

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted

shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway: *Provided further, That such concessions shall be granted only after the calling of public bids thereon and shall be granted to the lowest qualified bidder.*

} Vetoed.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by con-

**Powers and
duties—Man-
datory.**

demnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed five percent of the proposed purchase price of the property; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property; and

(d) The terminal date of the option does not extend beyond the August first following the regular session of the legislature next succeeding the date of execution of the option agreement.

(e) Not more than three hundred thousand dollars principal sum may be committed in any bien-nium by use of the process of option agreements.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959, with the exception of a certain unnumbered item contained in subsection (5), which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"This amendatory act gives the State Park Commission, acting by majority vote, additional authority to utilize approximately \$300,000.00 appropriated to the commission for the purpose of obtaining options to purchase shore and tidelands for park and parkway purposes.

"I am in complete agreement with this major purpose of the bill.

"The unnumbered item in section 1, subsection (5) reads as follows:

"* * * PROVIDED FURTHER, That such concessions shall be granted only after the calling of public bids thereon and shall be granted to the lowest qualified bidder."

"Obviously concessions to be granted by the State Park and Recreation Commission should be granted to the highest rather than the lowest qualified bidder.

"I am firmly convinced that the item quoted, which was added as an amendment on the floor, was adopted only through the operation of a mistake of fact. For this reason, the unnumbered item contained in subsection (5) of section 1 of the bill is vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

Veto message,
excerpt from.

CHAPTER 318.

[H. B. 384.]

APPROPRIATION—SCHOOL DISTRICTS.

AN ACT relating to education; making an appropriation, and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the general fund the sum of three hundred and thirty-six thousand dollars, or so much thereof as shall be necessary, to be apportioned by the super-

Appropriation.

Appropriation. intendent of public instruction during the current school year to counties for the benefit of certain school districts located therein in conformity with standards adopted by the state board of education acting under the provisions of RCW 28.41.090 and acts amendatory or supplemental thereto, pertaining to establishment by the state board of minimum standards governing the maintenance and operation of the common schools and a schedule of minimum funds required by school districts to enable them to meet the aforesaid standards, the amount aforesaid to be apportioned to the school districts affected at the rate of fifty-four dollars per pupil for any increase in school enrollment in excess of five percent between October 1, 1957, and October 1, 1958: *Provided*, That allocations under this act may be made only to those school districts which receive allocations of state aid under the provisions of RCW 28.41.080: *And provided further*, That a school district shall not be entitled to funds from this appropriation unless it has levied a tax for maintenance and operations for either the 1957-58 or the 1958-59 school year in excess of the tax levy limitations prescribed for school districts by RCW 84.52.050.

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

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 319.

[H. B. 640.]

HIGHWAYS.

AN Act relating to public highways; describing powers and duties of the Washington state highway commission; and the interim committees on highways, streets and bridges; establishing and designating certain highways; providing for surveys and studies of proposed highway additions; prescribing fees, size, weight, load, permits and equipment restrictions for certain motor vehicles using the same; relating to highways and rail overpasses and underpasses thereof; amending section 7, chapter 384, Laws of 1955 and RCW 46.16.082; amending section 9, chapter 384, Laws of 1955 and RCW 46.16.083; amending section 4, chapter 273, Laws of 1957 and RCW 47.16.137; adding a new section to chapter 273, Laws of 1957 and chapter 47.16 RCW; amending section 49, chapter 189, Laws of 1937, as last amended by section 14, chapter 273, Laws of 1957 and RCW 46.44.030; amending section 48, chapter 189, Laws of 1937, as last amended by section 1, chapter 384, Laws of 1955 and RCW 46.44.020; amending section 27, chapter 269, Laws of 1951 and RCW 46.44.042; amending section 35, chapter 269, Laws of 1951, as amended by section 12, chapter 254, Laws of 1953 and RCW 46.44.091; amending section 36, chapter 269, Laws of 1951, as amended by section 2, chapter 146, Laws of 1955 and RCW 46.44.092; amending section 38, chapter 269, Laws of 1951 and RCW 46.44.094; amending section 39, chapter 269, Laws of 1951, as last amended by section 18, chapter 273, Laws of 1957 and RCW 46.44.095; amending section 5, chapter 190, Laws of 1937, section 1, chapter 239, Laws of 1943 and RCW 47.16.050; amending sections 6 and 9, chapter 190, Laws of 1937 and RCW 47.16.060 and 47.16.090; amending section 1, chapter 225, Laws of 1949 and RCW 47.16.160; amending section 17, chapter 383, Laws of 1955, as amended by section 16, chapter 172, Laws of 1957 and RCW 47.20.110; amending section 24, chapter 383, Laws of 1955, as amended by section 20, chapter 172, Laws of 1957 and RCW 47.20.210; amending section 38, chapter 383, Laws of 1955, as amended by section 12, chapter 172, Laws of 1957 and RCW 47.20.380; adding a new section to chapter 207, Laws of 1937 and chapter 47.20 RCW; amending section 7, chapter 269, Laws of 1955 and RCW 47.37.070; amending sections 8, 13, 25, 30, 32, 34 and 41, chapter 383; Laws of 1955 and RCW 47.20.020, 47.20.070, 47.20.220, 47.20.280, 47.20.300, 47.20.325 and 47.20.400; amending sections 6, 15 and 24, chapter 172, Laws of 1957 and RCW 47.20.030, 47.20.140 and 47.20.420; amend-

ing section 1, chapter 147, Laws of 1955 and RCW 47.28.050; adding a new section to chapter 47.20 and to chapter 47.28 RCW; amending section 9, chapter 254, Laws of 1953, as last amended by section 37, chapter 172, Laws of 1957 (uncodified); making an appropriation; providing effective dates; and declaring an emergency.

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

RCW 47.16.050
amended.

SECTION 1. Section 5, chapter 190, Laws of 1937 and section 1, chapter 239, Laws of 1943 (heretofore combined and codified as RCW 47.16.050) are each amended to read as follows:

No. 5 National
Park highway.

A primary state highway to be known as primary state highway No. 5, or the National Park highway, is established as follows: Beginning at Seattle, thence in a southerly direction by way of Bryn Mawr and the vicinity of Renton on primary state highway No. 2, thence in a southerly direction to Auburn, thence in a southeasterly direction by way of Enumclaw and Chinook Pass to Yakima on primary state highway No. 3; also beginning at a junction with primary state highway No. 1 in the vicinity south of Chehalis, thence in an easterly direction by way of Kosmos and White Pass to a junction with primary state highway No. 5, northwest of Yakima; also beginning at Tacoma on primary state highway No. 1, thence in a southerly direction by way of Elbe, thence in an easterly direction to a southwest entrance to Mount Rainier National Park; also beginning at Elbe on primary state highway No. 5, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity of Kosmos; also beginning at Enumclaw on primary state highway No. 5, thence in a southerly direction to a northwest entrance to Mount Rainier National Park; also beginning at Auburn on primary state highway No. 5, thence in a southerly direction by way of Sumner, thence in a westerly direction to Tacoma on primary state highway No.

1; also beginning at a junction with primary state highway No. 5, in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity west of White Pass; also beginning at Sumner on primary state highway No. 5, in the vicinity west of White Pass; also beginning at Sumner on primary state highway No. 5, and thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity of Buckley; also beginning at Enumclaw on primary state highway No. 5, thence in a northwesterly direction by way of Summit to a junction with primary state highway No. 2, in the vicinity of Renton; also beginning at a point on primary highway No. 5, in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity north of Cliffdell.

SEC. 2. Section 6, chapter 190, Laws of 1937 and RCW 47.16.060 are each amended to read as follows:

RCW 47.16.060
amended.

A primary state highway to be known as primary state highway No. 6, or the Pend Oreille highway, is established as follows: Beginning at a junction with primary state highway No. 3, in the vicinity north of Spokane, thence in a northerly direction by way of Newport and Metaline Falls to the international boundary line; also beginning at Newport on primary state highway No. 6, thence in an easterly direction to the Washington-Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport.

No. 6 Pend
Oreille
highway.

SEC. 3. Section 9, chapter 190, Laws of 1937 and RCW 47.16.090 are each amended to read as follows:

RCW 47.16.090
amended.
No. 9 Olympic
highway.

A primary state highway to be known as primary state highway No. 9, or the Olympic highway, is established as follows: Beginning at Tumwater on primary state highway No. 1, thence in a westerly

direction by way of Elma, Montesano, and Aberdeen to Hoquiam, thence in a northwesterly direction by way of Lake Quinault to Forks, thence in an easterly direction by way of Port Angeles to the vicinity of Discovery Bay, thence in a southerly direction by way of Shelton to a junction with primary state highway No. 9, in the vicinity west of Olympia; also beginning at a junction with primary state highway No. 9, in the vicinity of Discovery Bay, thence in a northeasterly direction to Port Townsend; also beginning at Elma on primary state highway No. 9, thence in a southeasterly direction to a junction with primary state highway No. 1, in the vicinity north of Centralia; also beginning at a junction with primary state highway No. 9, at Montesano, thence in a southwesterly direction to a junction with primary state highway No. 13 north of Arctic.

RCW 47.20.020
amended.

SEC. 4. Section 8, chapter 383, Laws of 1955 and RCW 47.20.020 are each amended to read as follows:

Highways
1C, 1D.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1C; beginning at a junction with primary state highway No. 1 in the vicinity south of Blanchard, thence in a southerly direction to a junction with primary state highway No. 1 in the vicinity of Whitney; also beginning at a junction with primary state highway No. 1 east of Whitney easterly to a junction with primary state highway No. 1 in the vicinity of Burlington;

Secondary state highway No. 1D; beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidby Island; also beginning at a junction with secondary state highway No. 1D as herein described in the vicinity east-

erly of the Keystone ferry slip, thence westerly to the Keystone ferry slip.

SEC. 5. Section 15, chapter 172, Laws of 1957 and RCW 47.20.030 are each amended to read as follows:

RCW 47.20.030 amended.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Highways 1E, 1F.

Secondary state highway No. 1E; beginning at Conway on primary state highway No. 1, thence in a southerly direction by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A; also from the junction of secondary state highway No. 1A at Arlington in a northeasterly and easterly direction to Darrington;

Secondary state highway No. 1F; beginning at a junction with primary state highway No. 1 in the vicinity of Burlington, thence in a northeasterly direction to a junction with secondary state highway No. 1A in Sedro Woolley.

SEC. 6. Section 13, chapter 383, Laws of 1955 and RCW 47.20.070 are each amended to read as follows:

RCW 47.20.070 amended.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Highways 1M, 1N.

Secondary state highway No. 1M, beginning at a junction with primary state highway No. 1, in the vicinity of Maytown, thence in a westerly and southwesterly direction to a junction with primary state highway No. 9 in the vicinity of Rochester;

Secondary state highway No. 1N; beginning at a junction with primary state highway No. 1 in Centralia, thence in a northerly direction by the most feasible route by way of Bucoda to a junction with secondary state highway No. 5H in Tenino.

RCW 47.20.140 amended.

SEC. 7. Section 6, chapter 172, Laws of 1957 and RCW 47.20.140 are each amended to read as follows:

Highways 2D, 2E.

Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2D; beginning at a junction with primary state highway No. 2 in the vicinity west of Issaquah, thence in a northerly direction to the west of Lake Sammamish to Redmond on primary state highway No. 2, thence in a westerly direction to Kirkland;

Secondary state highway No. 2E; beginning at a junction with primary state highway No. 2 west of Cle Elum, thence in a northwesterly direction by way of Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

New section.

SEC. 8. A new section is added to chapter 47.20 RCW to read as follows:

Highway 2M.

Secondary state highway No. 2M is established as a branch of primary state highway No. 2, according to the following designation and description:

Secondary state highway No. 2M; beginning at a junction with primary state highway No. 2 in the vicinity west of Auburn, thence in a northerly direction to a junction with primary state highway No. 1 south of Seattle.

RCW 47.20.280 amended.

SEC. 9. Section 30, chapter 383, Laws of 1955 and RCW 47.20.280 are each amended to read as follows:

Highways 5H, 5I.

Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5H; beginning at a junction with primary state highway No. 5 in the vicinity south of Tacoma, thence in a southwesterly direction by way of McKenna, Yelm, and Rainier, to a junction with secondary state highway No. 1N in Tenino;

Secondary state highway No. 5I; beginning at Yelm on secondary state highway No. 5H, thence in a northwesterly direction via St. Clair and Lacey to primary state highway No. 1.

SEC. 10. Section 32, chapter 383, Laws of 1955 and RCW 47.20.300 are each amended to read as follows:

RCW 47.20.300 amended.

Secondary state highways as branches of primary state highway No. 5 are established as follows:

Highways 5L, 5N.

Secondary state highway No. 5L; beginning at Morton on primary state highway No. 5; thence in a southwesterly direction to Riffe on primary state highway No. 5;

Secondary state highway No. 5N; beginning at a junction with primary state highway No. 5 in Puyallup, thence in a southerly direction to Eatonville.

SEC. 11. Section 24, chapter 172, Laws of 1957 and RCW 47.20.420 are each amended to read as follows:

RCW 47.20.420 amended.

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Highways 11D, 11E.

Secondary state highway No. 11D; beginning at a junction with primary state highway No. 11 at a point approximately three miles northeast of Four Lakes, thence in a westerly and southwesterly direction to the town of Medical Lake, thence in a southerly direction to the vicinity of the state custodial school;

Secondary state highway No. 11E; beginning at Ritzville on primary state highway No. 11, thence in a southerly direction to Washtucna on secondary state highway No. 11B.

SEC. 12. Section 1, chapter 225, Laws of 1949 and RCW 47.16.160 are each amended to read as follows:

RCW 47.16.160 amended.

No. 16 Methow
Valley
highway.

A primary state highway to be known as primary state highway No. 16, or the Methow Valley highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly direction by the most feasible route by way of Twisp to Mazama; also beginning at a point in the vicinity south of Twisp on primary state highway No. 16, thence in an easterly direction by the most feasible route to a junction with primary state highway No. 10 in the vicinity south of Okanogan; also, beginning at a wye connection with primary state highway No. 16, southwest of Okanogan, thence southwesterly to a junction with primary state highway No. 10 in the vicinity of Malott: *Provided*, That until such times as primary state highway No. 16 from southwest of Okanogan to the vicinity of Malott is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said primary state highway No. 16.

This section shall become effective July 1, 1961.

RCW 47.20.110
amended.

SEC. 13. Section 17, chapter 383, Laws of 1955, as amended by section 16, chapter 172, Laws of 1957 and RCW 47.20.110 are each amended to read as follows:

Highways
1V, 1W.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1V; beginning at Tacoma on primary state highway No. 1, thence in a northeasterly direction west of primary state highway No. 1 by way of Redondo to Des Moines on secondary state highway No. 1K;

Secondary state highway No. 1W; beginning at a junction with primary state highway No. 1 in the vicinity of Snohomish-King county line, thence in a northwesterly direction to Edmonds, thence in a

northeasterly direction to a junction with primary state highway No. 1 in the vicinity of Lynnwood, thence easterly to a junction with secondary state highway No. 2J: *Provided*, That until such times as secondary state highway No. 1W east of Lynnwood is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said secondary state highway No. 1W.

This section shall become effective July 1, 1961.

SEC. 14. Section 24, chapter 383, Laws of 1955, as amended by section 20, chapter 172, Laws of 1957, and RCW 47.20.210 are each amended to read as follows:

RCW 47.20.210
amended.

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Highways
3J, 3K.

Secondary state highway No. 3J; beginning at a junction with primary state highway No. 3 in the vicinity of Chewelah, thence by way of Springdale in a southwesterly direction across the Spokane river to Long Lake; also, beginning at a junction with said secondary state highway No. 3J at Springdale, thence easterly to a junction of primary state highway No. 3 in the vicinity of Loon Lake: *Provided*, That until such time as the relocation and construction of primary state highway No. 3 from Loon Lake to Chewelah is completed, secondary state highway No. 3J shall begin at a junction with primary state highway No. 3 in the vicinity of Springdale.

Secondary state highway No. 3K; beginning at Pomeroy on primary state highway No. 3, thence in a southeasterly direction to Peola, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Clarkston.

RCW 47.20.220
amended.

SEC. 15. Section 25, chapter 383, Laws of 1955 and RCW 47.20.220 are each amended to read as follows:

Highways
3L, 3P, 3R, 3S.

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy;

Secondary state highway No. 3P; beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic: *Provided*, That secondary state highway No. 3P, as herein described shall not become a part of the state highway system until after the construction of the Republic-Kettle Falls Forest Highway by the United States Bureau of Public Roads shall have been completed:

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence northerly and westerly via Richland to a junction with primary state highway No. 3 at Kiona.

Secondary state highway No. 3S; beginning at a junction of primary state highway No. 3 in Spokane thence northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside state park near the boundary line common to Stevens and Spokane counties.

The addition of secondary state highway No. 3S shall become effective July 1, 1961.

RCW 47.20.325
amended.

SEC. 16. Section 34, chapter 383, Laws of 1955 and RCW 47.20.325 are each amended to read as follows:

Secondary state highway No. 7E is hereby established as a branch of primary state highway No. 7, according to the following designation and description: Highway 7E.

Beginning at a junction with primary state highway No. 7 in the vicinity west of Odessa; thence in a southwesterly direction by way of Moses Lake to a connection with primary state highway No. 18 west of Moses Lake: *Provided*, That until such times as secondary state highway No. 7E is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said secondary state highway No. 7E.

SEC. 17. Section 38, chapter 383, Laws of 1955, as amended by section 12, chapter 172, Laws of 1957 and RCW 47.20.380 are each amended to read as follows: RCW 47.20.380 amended.

Secondary state highways as branches of primary state highway No. 9 are established as follows: Highways 9E, 9F, 9G.

Secondary state highway No. 9E; beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; thence crossing Hood Canal to a junction with primary state highway No. 21;

This addition to secondary state highway No. 9E shall become effective July 1, 1959.

The route of secondary state highway No. 9E to South Point established by section 38, chapter 383, Laws of 1955 shall remain a part of such highway to service ferry traffic and shall not be superseded by this section until the Hood Canal bridge and approaches are constructed and open to traffic.

Secondary state highway No. 9G; beginning at a junction with primary state highway No. 9 in Port Angeles, thence southerly to the north boundary of

the Olympic National Park: *Provided*, That until such time as secondary state highway No. 9G is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said secondary state highway No. 9G.

The deletion of secondary state highway No. 9F and the addition of secondary highway No. 9G shall become effective July 1, 1961.

RCW 47.20.400
amended.

SEC. 18. Section 41, chapter 383, Laws of 1955 and RCW 47.20.400 are each amended to read as follows:

Highways
10C, 10D.

Secondary state highways as branches of primary state highway No. 10 are established as follows:

Secondary state highway No. 10C; beginning at Chelan on primary state highway No. 10, thence in a northwesterly direction to the north of Lake Chelan to Manson;

Secondary state highway No. 10D; beginning at a wye junction with primary state highway No. 10 in the vicinity east of Chelan, thence in a southerly direction crossing the Columbia river in the vicinity of Chelan Station to a junction with primary state highway No. 2 in the vicinity of Orondo; also beginning at a junction with primary state highway No. 10 in the vicinity south of Azwell, thence southerly to a junction with secondary state highway No. 10D in the vicinity of Chelan Station.

New section.

SEC. 19. There is added to chapter 207, Laws of 1937 and to chapter 47.20 RCW, a new section to read as follows:

Highway 12G.

A secondary state highway as a branch of primary state highway No. 12 is established as follows:

Secondary state highway No. 12G; beginning at a junction with primary state highway No. 12 in the vicinity of Grays River, thence northeasterly to a

junction with primary state highway No. 12 in the vicinity of Pe Ell: *Provided, however,* That this highway designation shall not become effective until the location of the proposed lower Columbia river bridge is determined and construction thereof undertaken and the further determination by resolution of the state highway commission that this route is desirable to serve traffic for such bridge.

SEC. 20. The joint fact-finding committee on highways, streets and bridges, jointly with the Washington state highway commission, shall, pursuant to the provisions of this act, consider the following highway additions and deletions by undertaking a comprehensive and definitive study, with necessary reconnaissance surveys, including location, reconstruction cost and roadway design, to accomplish their evaluation with respect to their being a part of the modern integrated state highway system. All studies shall be completed by June 1, 1960:

Evaluation
study—
Projects
enumerated.

(1) A highway beginning at a junction with primary state highway No. 11 in the vicinity of Lind, thence westerly by way of Warden to a junction with secondary state highway No. 11G. (Reference H. B. 650)

Consider the traffic desires in light of this route being parallel with and being closely located to the national system of interstate and defense highway No. 90, and also its service to its area as a state highway with respect to other state highways within the immediate area, and the possibility that a highway of less state interest can be removed from the system in lieu of this addition.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

Appropriation.

Evaluation
study—
Projects
enumerated.

(2) An extension of secondary state highway No. 1S from Amboy westerly to a junction with primary state highway No. 1 at Woodland. (Reference H. B. 483, S. B. 408, H. J. M. 24 and S. J. M. 10) This highway extension has been studied and report made to the 1959 legislature shall be further pursued as to its eligibility to be added to the federal forest highway system and determination as to whether federal aid funds may become available to improve this highway to proper roadway standards for hauling of logs and log products. The committee and commission shall seek the aid of the Washington congressional delegation in this regard.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of two thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(3) A highway beginning at a junction with primary state highway No. 1 in the vicinity south of Marysville, thence by way of Marysville to a junction at the most feasible point with secondary state highway No. 1A. (Reference S. B. 371)

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of one thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(4) A highway beginning in the vicinity of Packwood on primary state highway No. 5, thence in a northwesterly direction to an intersection with primary state highway No. 5 in the vicinity of the southwest entrance to Mount Rainier National Park. (Reference S. B. 12)

This study shall include the feasibility of this

highway becoming a route of the federal forest highway system.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. **Appropriation.**

(5) A highway beginning at a junction with primary state highway No. 6 west of Mead, thence in a northeasterly direction by way of Peona Creek to the summit of Mount Spokane. (Reference S. B. 269)

This study shall be undertaken in cooperation with the state parks and recreation commission and the state department of commerce and economic development as to its related state interest in recreation and economics.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. **Appropriation.**

(6) A highway from secondary state highway No. 11A at the southerly approach to the Vernita Ferry southeasterly via the Atomic Energy Commission Reservation to a junction with secondary state highway No. 3R at Richland. (Reference H. B. 307)

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of seven thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. **Appropriation.**

Evaluation
study—
Projects
enumerated.

(7) Further continue the location study of a highway from Spokane westerly along the north bank of the Spokane river to a connection with primary state highway No. 22 in the vicinity of the junction of the Columbia and Spokane rivers to include cooperation with the federal agencies responsible for the control of the federally-owned lands this proposed highway location would traverse and the value of this proposed highway would have in serving such areas. (Reference H. B. 432 and S. B. 221)

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of two thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(8) A highway beginning in the vicinity of Lamona on primary state highway No. 7 easterly to a junction with primary state highway No. 11 in the vicinity of Sprague. (Reference S. B. 410)

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of seven thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(9) A highway beginning at a junction with primary state highway No. 8 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with primary state highway No. 8 in the vicinity of Goldendale. (Reference S. B. 239)

This study shall consider the state interest to this highway designated as related to the exchange of a section of primary state highway No. 8 from a point

south of Goldendale easterly to the vicinity of west of Roosevelt which will be returned to the county as a county road upon completion of the new location of primary state highway No. 8, which serves the John Day dam area from Maryhill to west of Roosevelt as a water grade along the north bank of the Columbia river.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

Appropriation.

(10) A trans-Cascade tunnel and suitable approaches thereto, on primary state highway No. 15 at Stevens Pass, giving consideration to the use of the old Great Northern tunnel, if feasible, or to alternate locations not requiring use of said railroad tunnel.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of twenty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

Appropriation.

SEC. 21. Section 7, chapter 384, Laws of 1955 and RCW 46.16.082, are each amended to read as follows:

RCW 46.16.082 amended.

In addition to fees for licensing of vehicles, provided in RCW 46.16.070 and RCW 46.16.072, there shall be paid and collected annually for each converter gear used to convert semitrailers into trailers, and two-axle tractors into three-axle tractors, when licensed separately and not in combination with a semitrailer, or tractor, as provided in RCW 46.16.083, a fee based on the maximum gross weight thereof as follows:

Increased fees for converter gear.

	Base Fee	Reserve Fee	Total Fee
10,000 pounds or more and less than 12,000.....	\$180.00	\$20.00	\$200.00
12,000 pounds or more and less than 14,000.....	\$235.00	\$ 5.00	\$240.00
14,000 pounds or more and less than 16,000.....	\$275.00	\$ 5.00	\$280.00
16,000 pounds or more and less than 18,000.....	\$320.00	\$ 5.00	\$325.00

RCW 46.16.083 amended.

SEC. 22. Section 9, chapter 384, Laws of 1955 and RCW 46.16.083 are each amended to read as follows:

Converter gear—Optional methods of licensing.

A converter gear used to convert a semitrailer into a trailer or a two-axle tractor into a three-axle tractor may, at the option of the owner, be licensed as a separate vehicle or the converter gear and a semitrailer or two-axle tractor may be licensed as a combination, in which event the combination of the two will be considered as a single vehicle for the purposes of this chapter.

RCW 46.16.137 amended.

SEC. 23. Section 4, chapter 273, Laws of 1957 and RCW 46.16.137 are each amended to read as follows:

Monthly license for transportation of logs.

During the months of October, November, December, January, February and March the gross weight license fee of a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 or 46.16.074 in the case of trucks, and one-twelfth of the annual maximum gross weight fee provided for in RCW 46.16.072 in the case of pole trailers. For each fee so paid, other than at

the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue license tabs stating the month for which the vehicle is licensed, which tabs shall be attached by the owner or operator to the license plates of the vehicle and shall be displayed thereon throughout the month for which they are issued. The director is authorized to establish rules and regulations relative to the issuance and display of such tabs. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

SEC. 24. There is added to chapter 273, Laws **New section.** of 1957 and to chapter 46.16 RCW a new section to read as follows:

Carrying
unlicensed
cargo—Mis-
demeanor.

Any person who operates a vehicle, licensed under the provisions of RCW 46.16.137 for the transportation of logs exclusively, for the transportation of any cargo other than logs, shall be guilty of a misdemeanor, and in addition shall be ineligible for a period of two years from date of conviction for the purchase of a license under the provisions of RCW 46.16.137.

RCW 46.44.030
amended.

SEC. 25. Section 49, chapter 189, Laws of 1937, as last amended by section 14, chapter 273, Laws of 1957, and RCW 46.44.030 are each amended to read as follows:

Maximum
lengths.

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the director of highways. It is unlawful for any person to operate upon the public highways any combination of vehicles which, with or without load, has an overall length in excess of sixty feet, or any combination of vehicles containing any vehicle of which the permanent structure has an overall length in excess of forty feet. Said length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load: *Provided*, That when it is desirable to facilitate the movement of

combination of vehicles between this state and other states, the state highway commission may authorize combinations consisting of a tractor, a semitrailer, and a trailer to operate at a total overall length, with or without load, not to exceed sixty-five feet on such highway and subject to such terms and conditions as the state highway commission may direct: *Provided, however,* That until such time as six of the eleven western states shall have made provision to authorize this combination length, this section shall not apply.

SEC. 26. Section 48, chapter 189, Laws of 1937, as last amended by section 1, chapter 384, Laws of 1955, and RCW 46.44.020 are each amended to read as follows:

RCW 46.44.020
amended.

It shall be unlawful for any vehicle unladen or with load to exceed a height of thirteen feet and six inches above the level surface upon which the vehicle stands. This section shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is thirteen feet six inches or more; or, where such vertical clearance is less than thirteen feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public

Maximum
height—Im-
paired clear-
ance signs.

highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

RCW 46.44.042
amended.

SEC. 27. Section 27, chapter 269, Laws of 1951 and RCW 46.44.042 are each amended to read as follows:

Maximum
gross weights
—Tire factor.

Subject to the maximum gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred fifty pounds per inch width of such tire, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manu-

facturer when inflated to the pressure specified and without load thereon.

SEC. 28. Section 35, chapter 269, Laws of 1951, as amended by section 12, chapter 254, Laws of 1953, and RCW 46.44.091 are each amended to read as follows:

RCW 46.44.091
amended.

No special permit shall be issued for movement on any primary or secondary state highway or route of state primary or secondary highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: *Provided*, That a special permit shall not be issued to any vehicle or a combination of vehicles having more than six axles: *Provided further*, That any vehicle or combination of vehicles having more than six axles shall not be issued an overweight permit in excess of the maximum allowed for a vehicle or combination of vehicles having six axles: *Provided further*, That the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: *Provided further*, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission such movement or action is a necessary

Special
permits.
Gross weight
limits.

movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement.

RCW 46.44.092
amended.

SEC. 29. Section 36, chapter 269, Laws of 1951, as amended by section 2, chapter 146, Laws of 1955, and RCW 46.44.092 are each amended to read as follows:

—Overall
width limit—
Exceptions to
—Application
for permit.

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for widths in excess of twenty feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for widths in excess of such limitation; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in

excess of such limitations; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

SEC. 30. Section 38, chapter 269, Laws of 1951 and RCW 46.44.094 are each amended to read as follows:

RCW 46.44.094 amended.

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state primary or secondary highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

—Fees.

All overlegal loads, except overweight, single trip	\$ 3.00
Continuous operation of overlegal loads having either over-width or over-height features only for a period not to exceed thirty days	\$20.00
Continuous operation of overlegal loads having over-length only for a period not to exceed thirty days.....	\$10.00
Operation of combination of vehicles composed of more than two vehicles single trip.....	\$ 3.00

OVERWEIGHT FEE SCHEDULE.

Weight over that allowed by statute	Fee per mile on state highways
1- 5999 pounds	\$0.10
6000-11999 pounds	\$0.20
12000-17999 pounds	\$0.30
18000-23999 pounds	\$0.50
24000-29999 pounds	\$0.70
30000-35999 pounds	\$0.90
36000- pounds or more	\$1.10

Provided: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

This section shall become effective July 1, 1959.

RCW 46.44.095
amended.

SEC. 31. Section 39, chapter 269, Laws of 1951, as last amended by section 18, chapter 273, Laws of 1957, and RCW 46.44.095 are each amended to read as follows:

—Additional
gross load—
Fee.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway department of a fee of fifty dollars for each two thousand pounds of excess weight: *Provided,* That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more

axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the payment of a fee of fifty dollars per two thousand pounds in excess weight but not to exceed one hundred dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after

December 1st the fee shall be twenty-five percent of the full annual fee.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and RCW 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.48 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and RCW 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses for purposes of prorating license fees.

RCW 46.37.070
amended.

SEC. 32. Section 7, chapter 269, Laws of 1955 and RCW 46.37.070 are each amended to read as follows:

Stop lamps,
turn signals,
required on
new motor
vehicles.

(1) From and after June 30, 1947, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with at least one stop lamp meeting the requirements of RCW 46.37.200.

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electrical turn signals meeting the requirements of RCW 46.37.200. No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1960, unless it is equipped with electrical turn signals meeting the requirements of RCW 46.37.200. This paragraph shall not apply to any motorcycle or motor-driven cycle.

SEC. 33. Section 1, chapter 147, Laws of 1955 and RCW 47.28.050 are each amended to read as follows:

RCW 47.28.050
amended.

The Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the director deems necessary: *Provided*, That when the estimated cost of any contract to be awarded is less than fifteen thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: *Provided further*, That when the estimated cost of a contract to be awarded is five thousand dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids.

Call for bids.

New section.

SEC. 34. There is added to chapter 47.28 RCW a new section to read as follows:

Maintenance shared by rail-road, state.

Notwithstanding any of the provisions of RCW 81.52.160, where the cost of constructing an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures.

Standards, rules and regulations (effect as to law).

SEC. 35. The state highway commission may adopt design standards, rules and regulations relating to construction, maintenance and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules and regulations the commission shall take into account the policies, rules and regulations of the secretary of commerce and the bureau of public roads relating to the construction, maintenance and operation of the system of interstate and defense highways. The standards, rules and regulations so adopted by the commission shall constitute the public policy of this state and shall have the force and effect of law.

Location review to be made.

SEC. 36. The Washington state highway commission shall review with the United States Bureau of Public Roads by September 1, 1959 the location of primary state highway No. 11 as is now located to by-pass the city of Cheney as the most desir-

able and feasible route of the interstate and defense highway.

SEC. 37. The joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947, and continued by chapter 213, Laws of 1949, continued by section 44, chapter 269, Laws of 1951, continued by section 4, chapter 254, Laws of 1953, continued by section 21, chapter 384, Laws of 1955, and continued by section 32, chapter 172, Laws of 1957, is hereby continued until April 1, 1961. It shall consist of seven senators to be appointed by the president of the senate and eight members of the house of representatives to be appointed by the speaker thereof. The list of appointees shall be submitted before the close of the 1959 session for confirmation of senate members, by the senate, and the house members by the house. Vacancies occurring shall be filled by the appointing authority.

Committee retained.

SEC. 38. The committee is authorized and directed to continue its studies and for that purpose shall have all the powers and duties set forth in chapter 111, Laws of 1947, and in addition thereto is authorized and directed to ascertain, study, analyze, report on and make recommendations to the 1961 legislature, prior to its convening, concerning:

Committee powers and duties.

(1) The orderly development of state highways by classification and necessity with recommendations of additions and deletions to accomplish a modern integrated highway system.

(2) Continuation of the license department study, including operations, budgets and organizational needs for a separate motor vehicle department.

(3) Highway and transportation problems existing between Washington and Alaska and to this end the committee may make recommendations concerning the same to federal agencies and the Congress of the United States.

Committee powers and duties.

(4) A study of city street revenues, expenditures and needs and county road revenues, expenditures and needs and their relation to each other and to state highway revenues and needs, and further, to report its findings and recommendations for reallocation of motor vehicle fund revenues between the state, cities and counties to the 1961 legislature.

(5) A review of motor vehicle licensing.

(6) The proper percentage of collection costs of park and parkway funds and compensating taxes on motor vehicles to be assigned to such funds.

(7) Control of roadside advertising and signs with due consideration of federal legislation and requirements.

(8) Desirability of toll project benefit districts which include counties, cities and port districts or portions thereof.

(9) Traffic safety and controls.

(10) Reciprocity in the licensing and taxation of motor vehicles.

(11) The revaluation of highway needs in the light of federal interstate highway legislation and appropriations.

(12) Necessary amendments to highway laws and other proposed legislation suggested by its studies and recommended by it, and in such connection the committee shall prepare drafts of bills with the aid of the attorney general.

(13) A review of the motor vehicle size and weight limitation now provided by law with relation to the transportation of agricultural products.

(14) Traffic, engineering and financial studies and surveys, conducted in cooperation with the state highway commission and the toll bridge authority, to determine the feasibility of undertaking construction of a Naches cut-off and tunnel on primary state highway No. 5 through the Cascade mountains as an improvement on the state highway

system or as a toll tunnel project, said study to include the economic benefit to political subdivisions and the benefit to the state highway system.

SEC. 39. The joint fact-finding committee on highways, streets and bridges jointly with the state highway commission and the county authorities of the counties consenting shall conduct a test road project on a selected state highway and county road for the hauling of logs or log products on a three-axle truck tractor in combination with a two-axle pole trailer with a gross load of eighty thousand pounds, and not exceeding thirty-six thousand pounds on any dual axles of the combination of vehicles.

Road test to be conducted.

This road test, to be known as the Washington state natural resources road test, shall be conducted in both an area representative of eastern Washington and an area representative of western Washington as to logging operations of the forested area of the state. Consideration in selection of the road to serve as a test road shall provide a roadway that has been constructed to a planned roadway section which will provide surface depths, type and quality of surface materials used and for which records are available for reference use.

The state highway commission and the county consenting to the use of the state highway and the county road as test roads shall prescribe the terms and conditions upon which the state highway and county road shall be used.

The owners of vehicles operated on such road test having gross weights in excess of that allowed by RCW 46.44.047, shall pay the same fee required for log tolerance permits prescribed by RCW 46.44.047. Such fees shall be paid into the motor vehicle fund and at the completion of such tests shall be allocated to the county road fund and to the state highway commission for state highway

purposes on the basis of measured damage on the state highway and county road.

In addition such owners shall pay the actual cost of restoring the state highway and county road to an acceptable condition in a manner determined by the state highway commission and county authorities.

The joint fact-finding committee on highways, streets and bridges jointly with the state highway commission are to prepare a report covering the road test and submit recommendations covering their findings to the 1961 legislature.

Continued participation on interstate committee.

SEC. 40. In addition to the powers and duties heretofore conferred upon it, the committee is further authorized and directed to continue its participations in the activities of the "Western Interstate Committee on Highway Policy Problems" of the eleven western states in its study of highway problems upon a state and regional basis; participate in or make joint studies with relation to the design and construction of highways and the use and equitable cost thereof; and participate in any interstate reciprocity or proration meetings designated by the Washington reciprocity commission.

Cooperation with council urged.

SEC. 41. The committee is also authorized to avail themselves of the services of the Washington state council for highway research and to cooperate with said body.

Committee members reimbursed—Voucher form.

SEC. 42. The members of the joint fact-finding committee on highways, streets and bridges shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittees of the committee or while engaged on other committee business authorized by the committee to the extent of twenty dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings

or for travel on other committee business authorized by the committee. All expenses incurred by the committee, including salaries of employees, shall be paid upon voucher forms as provided by the state auditor and signed by the chairman or vice chairman of the committee and attested by the secretary of the committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

SEC. 43. Section 9, chapter 254, Laws of 1953, as last amended by section 37, chapter 172, Laws of 1957 (uncodified) is amended to read as follows:

1957 c 172
§ 37 amended.

In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

Additional
fees
authorized.

For each truck under 12,000 lbs.....	\$.25
For each truck over 12,000 lbs, and under 20,000 lbs.	\$.50
For each truck over 20,000 lbs.....	\$1.00
For each trailer 4,000 lbs. to 12,000 lbs.....	\$.25
For each trailer 12,000 lbs. to 20,000 lbs.....	\$.50
For each trailer, semitrailer or pole trailer over 20,000 lbs.....	\$1.00
For each diesel truck.....	\$2.00
For each auto stage.....	\$1.00
For each for hire vehicle over 4,000 lbs.....	\$.50
For each motor vehicle not otherwise taxed herein	\$.10

Such fees shall be collected for the calendar years 1959, 1960 and 1961 only, and shall be deposited in the motor vehicle fund, and shall be used by the joint fact-finding committee on highways, streets and bridges and the state highway commission to help defray the costs of special highway use and weight studies and tests upon highways as provided

for in this act and for other necessary expenses of such committee.

Appropriation.

SEC. 44. There is hereby appropriated from the motor vehicle fund to the joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947 and continued by this act, for the biennium ending June 30, 1961, the sum of forty-five thousand dollars, or so much thereof as shall be necessary.

Traffic study
by commis-
sion.

SEC. 45. The state highway commission shall conduct such traffic studies as necessary to determine the need for an interchange at the intersection of First Avenue South and East Marginal Way in Seattle which is on the route of secondary state highway No. 1K and primary state highway No. 1 as designated by the state highway commission. Such interchange shall be regarded as necessary if the traffic study indicates the need to alleviate the traffic congestion prompted by the construction of West Marginal Way from the Duwamish junction of primary state highway No. 1 to secondary state highway No. 1K in Seattle.

Emergency.

SEC. 46. 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 sections 34 through 44 of this act shall take effect immediately.

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 320.

[S. B. 331.]

PUBLIC OFFICERS—CODE OF ETHICS.

AN ACT relating to governmental agencies and officers, employees, and agents thereof; and providing penalties.

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

SECTION 1. It is declared that the high moral and ethical standards among the public servants are essential to the conduct of free government; that a code of ethics for the guidance of public officers and employees is necessary in order to eliminate conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of Washington in their government.

Legislative declaration.

SEC. 2. (1) State agency means any state board, commission, bureau, department, division, or tribunal other than a court.

Definitions. State agency.

(2) Legislative employee means any officer or employee of the legislature other than members thereof.

Legislative employee.

(3) Personal and private interest means any interest which pertains to a person, firm, corporation, or association whereby such person, firm, corporation, or association would gain a special benefit or advantage as distinguished from a general or public benefit or advantage.

Personal, private interest.

(4) Confidential information means such information as is declared confidential by other specific statutes.

Confidential information.

SEC. 3. No officer, employee of a state agency, legislative employee, or other public official shall have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obli-

Certain conflicting interests prohibited.

gation of any nature, which is in conflict with the proper discharge of his duties in the public interest.

Code of ethics.

SEC. 4. No officer or employee of a state agency, legislative employee, or other public officer shall use his position to secure special privileges or exemptions for himself or others.

(1) No legislative employee shall directly or indirectly give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington for any matter connected with or related to the legislative process unless otherwise provided for by law.

(2) No officer or employee of a state agency, or other public officer shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington, its political subdivisions, or employing municipal government, for any matter connected with or related to his services as such an officer or employee unless otherwise provided for by law.

Vetoed.

(3) No officer or employee of any department or agency of the state of Washington shall act as an agent or attorney for the prosecution of any claim against the state of Washington, nor shall he aid or assist in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, nor receive any gratuity or any share of or interest in any such claim.

(4) No person who has served as an officer or employee of a state agency shall, within a period of two years after the termination of such service or employment, appear before such agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly con-

cerned and in which he personally participated during the period of his service or employment.

(5) No officer or employee of a state agency, legislative employee, or public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(6) No officer or employee of a state agency, legislative employee, or public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit.

(7) No officer or employee of a state agency shall transact any business in his official capacity with any business entity of which he is an officer, agent, employee, or member, or in which he owns an interest.

(8) The head of each state agency shall publish for the guidance of its officers and employees a code of public service ethics appropriate to the specific needs of each such agency.

(9) No officer or employee of a state agency nor any firm, corporation, or association, or other business entity in which such officer or employee of a state agency is a member, agent, officer, or employee, or in which he owns a controlling interest, or any interest acquired after the acceptance of state employment, accept any gratuity or funds from any employee or shall sell goods or services to any person, firm, corporation, or association which is licensed by or regulated in any manner by the state agency in which such officer or employee serves.

SEC. 5. Each legislative employee, agency officer and such employees thereof as the agency head may by regulation provide, who is an officer, agent,

Statement of
interest—Con-
fidential.

member of, attorney for, or who owns an interest in any firm, corporation, association, or other business entity which is subject to state regulation shall file a sworn statement with the secretary of state disclosing the nature and extent of his relationship or interest, said statement to be kept in confidence and to be disclosed only to members of the legislature or any legislative committee which may be organized for the purpose of ascertaining a breach of this code, and the same also to be disclosed to any other authority having the power of removal of any public official or servant.

Construction.

SEC. 6. This act shall be construed liberally to effectuate its purposes and policy as set forth in section 1 of this act, and to supplement such existing laws as may relate to the same subject.

Violation,
gross misde-
meanor.

SEC. 7. Any person violating any provision of this act shall be guilty of a gross misdemeanor, and such person may be removed from his position or office, in addition to any other remedies or penalties provided by law, as for misconduct or malfeasance in office.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959, with the exception of subsection (3) of section 4, which is vetoed.

Veto message.
excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"Senate Bill 331 enacts a code of ethics for the guidance of public officers and employees to eliminate conflicts of interest, to improve the standards of public service and to strengthen the faith and confidence of the people of this state in their government. Subsection (3) of section 4 reads as follows:

"(3) No officer or employee of any department or agency of the state of Washington shall act as an agent or attorney for the prosecution of any claim against the state of Washington, nor shall he aid or assist in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, nor receive any gratuity or any share of or interest in any such claim."

"I am fully aware that a sizeable number of members of commissions, advisory boards and of other state agencies are attorneys and certified public accountants. These public servants have unselfishly rendered many hours of gratuitous service to the State of Washington and to its citizens through their membership on these commissions and boards.

"It has been called to my attention by the Washington State Bar Association and other agencies that the item quoted might be misinterpreted so that these public servants and benefactors as well as other members of their business firms might be prevented from presenting to the State Tax Commission and other state agencies, claims which are entirely proper and in the usual course of business and which are not conflicting in any manner whatsoever with the honorary positions occupied by these public servants. To avoid the possibility of such a misinterpretation of this subsection, and in order not to deprive this state of the services of these members at the present time and in the future, I have decided to veto this item.

"I am aware that subsection (9) of section 4 as amended by a hastily considered floor amendment is unintelligible. Its validity is questionable. However, in view of the laudable purpose of this bill, I deem it inadvisable to veto this subsection.

"For the reasons indicated I have vetoed subsection (3) of section 4. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 321.

[H. B. 84.]

EMPLOYMENT SECURITY.

AN ACT relating to employment security; amending section 76, chapter 35, Laws of 1945, as last amended by section 11, chapter 8, Laws of 1953 first extraordinary session, and RCW 50.20.080; also section 80, chapter 35, Laws of 1945, as last amended by section 1, chapter 209, Laws of 1955, and RCW 50.20.120; amending section 81, chapter 35, Laws of 1945, as last amended by section 15, chapter 215, Laws of 1951, and RCW 50.20.130; and providing an effective date.

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

SECTION 1. Section 76, chapter 35, Laws of 1945, as last amended by section 11, chapter 8, Laws of 1953 first extraordinary session, and RCW 50.20.080 are each amended to read as follows:

RCW 50.20.080
amended.

An individual is 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 com-

Disqualifica-
tion for re-
fusal to work.

missioner. Such disqualification shall continue until he has obtained work and earned wages therefor of not less than his suspended weekly benefit amount in each of five weeks.

RCW 50.20.120
amended.

SEC. 2. Section 80, chapter 35, Laws of 1945, as last amended by section 1, chapter 209, Laws of 1955, and RCW 50.20.120 are each amended to read as follows:

Amount of
benefits.

Subject to the other provisions of this title benefits shall be payable to any eligible individual during the benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title. An individual's weekly benefit amount shall be in a minimum amount of seventeen dollars for the first one hundred twenty-five dollars or portion thereof in excess of seven hundred ninety-nine dollars and ninety-nine cents of base year wages, increasing one dollar for each one hundred twenty-five dollars or portion thereof of said individual's base year wages earned thereafter, with a maximum amount payable weekly of not more than forty-two dollars: *Provided*, That if any maximum benefit amount computed herein is not a multiple of one dollar, it shall be adjusted to the nearest multiple of one dollar, except that if the computed amount ends in fifty cents, it shall be carried to the next higher multiple of one dollar .

RCW 50.20.130
amended.

SEC. 3. Section 81, chapter 35, Laws of 1945, as last amended by section 15, chapter 215, Laws of 1951, and RCW 50.20.130 are each amended to read as follows:

Deductions
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-seventh 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 twelve dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

SEC. 4. This act shall take effect on July 5, 1959. **Effective date.**

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 322.

[H. B. 290.]

DEPENDENT CHILDREN—SUPPORT.

AN ACT relating to public assistance and the support of dependent children; prescribing powers and duties of the attorney general, certain county and city officers, and superior and justice courts in relation thereto; providing for support orders and the enforcement thereof; providing for release of certain information to the department of internal revenue; providing for subrogation and collection by the department in certain cases; and providing penalties; adding a new chapter to Title 74 RCW; and declaring an emergency.

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

SECTION 1. There is added to Title 74 RCW a **New chapter.** new chapter to read as set forth in sections 2 through 24 of this act.

SEC. 2. The purpose of this act is to provide a **Purpose.** more effective and efficient way to effect the support of dependent children by the person or per-

sons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer who in many instances is paying toward the support of dependent children while persons who should be held responsible are avoiding their responsibilities.

Dependent child, children.

SEC. 3. For the purposes of this act, a dependent child or children shall mean a child as defined in RCW 74.12.010 or RCW 13.04.010.

Agreements with attorney general authorized.

SEC. 4. The prosecuting attorney of any county other than Class AA or Class A may enter into an agreement with the attorney general whereby the primary responsibility for the enforcement of support payments for any dependent child or children shall become the duty of the attorney general. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all duties of the prosecuting attorney in connection with said enforcement of support payments.

Department reports of nonsupport—Action to enforce support.

SEC. 5. Whenever the department of public assistance receives an application for public assistance on behalf of a child or children and it shall appear to the satisfaction of the department that the child or children has or have been abandoned by its parents or that the child or children and one parent have been abandoned by the other parent or that the parent or foster parent or other person who has a responsibility for the care, support, or maintenance of such child or children has failed or neglected to give proper care or support to such child or children, the department shall report such fact to the attorney general. The attorney general shall either refer the matter to the proper prosecuting attorney, or in those counties in which there is an agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the attorney general shall

take appropriate action under the abandonment or nonsupport statutes or other appropriate statutes of this state to insure that such parent or foster parent or other person responsible shall pay for the care, support, or maintenance of said dependent child or children.

SEC. 6. The attorney general shall be informed about or take action only in those cases where the dependent children are or are about to become, recipients of public assistance, as aid to dependent children cases, foster home cases or otherwise.

Action only when recipient of public assistance.

SEC. 7. Any person having the care, custody or control of any dependent child or children who shall fail or refuse to cooperate with the department of public assistance, any prosecuting attorney or the attorney general in the course of administration of provisions of this act shall be guilty of a misdemeanor.

Refusal to cooperate, misdemeanor.

SEC. 8. In all Class AA and Class A counties and in such other counties in which there is no agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the attorney general shall promptly report the facts to the prosecuting attorney or refer the county office of the department of public assistance to the prosecuting attorney and the prosecuting attorney shall take all necessary steps or appropriate action under abandonment or nonsupport statutes or other appropriate statutes of this state to insure that the parent, foster parent or other person responsible shall pay for the support and maintenance of such dependent child or children.

Action to enforce support by prosecuting attorney.

SEC. 9. In those instances where by agreement between the attorney general and prosecuting attorney, the attorney general shall act to enforce support, the prosecuting attorney and the sheriff

Assisting attorney general mandatory.

of each county and the city police of any municipality within the state, shall provide such aid and assistance to the attorney general as the attorney general may request and the circumstances of the case require.

In those cases where action is taken by the prosecuting attorney, the attorney general, the sheriff of each county and the city police of any municipality within the state shall lend such aid and assistance as may be requested and the circumstances of the case require.

Reports of
prosecuting
attorney.

SEC. 10. In Class AA and Class A counties, and in such other counties in which there is no agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the prosecuting attorney shall make full and complete reports to the attorney general as to the status of all cases pending or closed since the last report was filed. Such reports shall be made upon request and also on or before February 1st and August 1st of each year, for the prior six months ending January 1st and July 1st, respectively. Each report shall relate the name or names of all parties against whom action has been taken, the name of the court where taken, the place of employment of the person responsible for support and the earnings of such person, the action taken and the result of such action including a report of the amount of money ordered paid.

Disposition of
support money
—Report of
court clerk.

SEC. 11. Whenever as a result of a support action taken by either the attorney general or prosecuting attorney support money is paid by the person or persons responsible for support, such money shall be paid into the registry of the superior court and shall be disbursed by the clerk of the superior court each month to the persons entitled thereto. On the fifteenth day of each month, a report by the clerk of the superior court shall be made to the

department of public assistance containing a statement indicating whether or not the amounts ordered to be paid have been paid.

SEC. 12. In cases where a support action by the attorney general or prosecuting attorney is necessary and no warrant has been issued, the person complained against shall be taken by the prosecuting attorney or the attorney general handling the matter before either the superior court or justice court and such court shall hear the matter and enter an order fixing the amount of support to be paid by such person. Orders of support by superior court shall be filed with the clerk of the superior court, and copies of justice court orders of support signed by the justice of the peace shall be filed in the office of the clerk of the superior court.

Forums—
Order of
support filed.

SEC. 13. Where in any divorce or separate maintenance action an order has been entered or a final decree has been entered requiring payments to be made by any person for the support of a minor child or children, a copy of such order or final decree may be filed in the special filing provided for in section 14 and shall be prima facie proof of the ability of such person to pay for the support of such child or children to the person having care, custody or control of the child or children, in any civil action brought to enforce the provisions of this act.

Order as
evidence in
civil case.

SEC. 14. The county clerk shall keep a separate index and a separate file covering all orders entered under this act for the payment of money for the benefit of a dependent child or dependent children. It shall be unlawful for any person, body, association, firm, corporation, or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names secured as

Order file—
Use of list,
gross misde-
meanor.

a result of this index and file for commercial or political purposes of any nature. The violation of this provision shall be a gross misdemeanor.

Orders filed free.

SEC. 15. Orders shall be filed in the county clerk's office without cost or fee.

Court processes available.

SEC. 16. Whenever further action to enforce support is necessary against the person named in such order or copy of order, the same shall be by bench warrant or show cause order, garnishment, attachment or execution or other process ordered by any judge of the superior court upon the application of either the attorney general or the prosecuting attorney.

Information available to revenue service.

SEC. 17. Notwithstanding the provisions of RCW 74.04.060, upon approval of the department of health, education and welfare of the federal government, the public assistance department may disclose to and keep the internal revenue department of the treasury of the United States advised of the names of all persons who are under legal obligation to support any minor child or dependent children and who are not doing so, to the end that the internal revenue department may have available to it the names of such persons for review in connection with income tax returns and claims of dependencies made by persons filing income tax returns.

Public assistance available if no support—Subrogation.

SEC. 18. Payments of public assistance on behalf of a child or children shall not be withheld or reduced as a result of a support order entered under this act or pursuant to an order or final decree of divorce or separate maintenance when such support is not in fact being paid. By accepting such public assistance, the recipient thereof shall be deemed to consent to the recovery by the department of an amount equal to the amount required to be paid under said support order or the amount

of public assistance paid as a result of the non-payment of support, whichever is the lesser. The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute any support action existing under the laws of the state of Washington.

SEC. 19. The department may, in lieu of bringing an action, give notice to the person required to pay such support that as a result of the nonpayment of such support, there is a debt due and owing the state, and that the person may appear for a hearing and present evidence of payment of such support if it has in fact been paid. Notice of the hearing shall be given by personal service at least ten days prior to the hearing. The hearing shall be held within thirty days after the issuance of the notice, at a time and place specified by the department, in the county in which the person resides before a duly authorized representative of the department.

Hearing in
lieu of bring-
ing action.

SEC. 20. If such person fails to appear or upon appearing fails to submit satisfactory evidence of the payment of such support, the department shall enter an order declaring that a certain sum is due and owing the state. A copy of such order shall be filed with the clerk of the superior court of the county in which the person resides and the clerk of the superior court in the county in which the support order was entered; a copy of such order shall within ten days of its entry be served upon the party affected thereby by certified or registered mail or personal service.

Hearing
order—Filed
—Served.

SEC. 21. Any person affected by such an order of the department may, within ten days after personal service of the order or within fifteen days after the mailing of such order, appeal from the order to the superior court of the county in which

Appeal from
hearing order
—Order as lien
—Processes
available.

he resides; such appeal shall be tried de novo. If the person fails to appeal the order within the time provided or if the court, on appeal, affirms the order of the department, the order duly entered and filed shall become a lien upon all property, real or personal of the person against whom it is entered. To effect collection of the amount found due, the superior court may avail itself of its contempt powers, by warrant or show cause order, or its powers of execution, garnishment or attachment upon the application of either the attorney general or the prosecuting attorney. Either party may appeal the decision of the superior court to the supreme court of the state. No bond shall be required on any appeal under this act.

Severability.

SEC. 22. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall for any reason be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other clause, sentence, paragraph, subdivision or section.

Emergency.

SEC. 23. 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 immediately.

Passed the House March 11, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 323.

[Sub. H. B. 227.]

ARCHITECTURE.

AN ACT relating to the practice of architecture; adding new sections to chapter 18.08 RCW; and repealing sections 1 through 8, chapter 205, Laws of 1919 and RCW 18.08.010 through 18.08.090; and providing penalties.

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

SECTION 1. There is added to chapter 18.08 RCW **New section.** a new section to read as follows:

In order to safeguard life, health and property, **Registration mandatory.** and to promote the public welfare, any person in either public or private capacity practicing or offering to practice architecture, shall be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided. It shall be unlawful for any person to practice architecture unless registered as provided in this chapter.

SEC. 2. There is added to chapter 18.08 RCW **New section.** a new section to read as follows:

The terms "architecture" and "practice of architecture" as used in this chapter mean professional service consisting in whole or in part of consultation concerning floor planning, the aesthetic or structural design of private or public buildings, their equipment or utilities and the responsible supervision of construction or the repair or alteration of buildings, by persons or firms offering such service for a fee. **Definitions. "Architecture," "practice of architecture."**

The term "architect" as used in this chapter **"Architect."** means any person who is permitted under this chapter to practice architecture.

The term "director" means the director of licenses of the state of Washington. **"Director."**

The term "board" means the state board of registration for architects. **"Board."**

New section.

SEC. 3. There is added to chapter 18.08 RCW a new section to read as follows:

Board created
—Members,
terms, per
diem, ex-
penses, va-
cancies in.

There is hereby created a state board of registration for architects, to consist of five members who shall be appointed by the governor, each of whom shall have been a resident of this state for at least eight years and shall have at least eight years' experience in the practice of architecture as a licensed or registered architect in responsible charge of architectural work or responsible charge of architectural teaching immediately preceding appointment.

The members of the first board shall serve for the following terms:

One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until his successor has been appointed and qualified.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

Members shall receive twenty-five dollars per diem while actually performing board duties or traveling on board business and shall be reimbursed for their necessary travel and other expenses incurred in carrying out the provisions of this chapter.

SEC. 4. There is added to chapter 18.08 RCW a new section to read as follows: New section.

The board shall adopt rules for its own organization and procedure, and such other rules as it may deem necessary to the proper performance of its duties. All rules adopted by the board shall be filed with the secretary of state and shall be available for public inspection. Rules and regulations.

SEC. 5. There is added to chapter 18.08 RCW a new section to read as follows: New section.

An applicant for registration as an architect shall have the following minimum qualifications: Minimum qualifications for registration.

He shall be a citizen of the United States or a person who has declared his intention of becoming a citizen of the United States and shall be of good moral character and at least twenty-one years of age.

He must present a specific record of at least eight years of practical experience in the offices of licensed or registered architects or registered professional engineers satisfactory to the board. Graduation from an architectural college approved by the board shall be considered as equivalent to five years of such required experience. Each full year of attendance at an architectural college approved by the board is equivalent to one year of required experience. One year's full time teaching in a school of architecture or architectural engineering may be considered equivalent to one year of practical experience. Graduation from a five year course in architecture or architectural engineering from a university or college in the state of Washington shall be deemed graduation from an approved architectural college. The board shall approve other architectural colleges which it finds to present a quality and scope of instruction at least equal to the quality and scope of instruction of the aforementioned institutions of the state of Washington.

This section, except for the requirements of age, good moral character and citizenship or intended citizenship, is not applicable to any person who, at the effective date of this act, has graduated from or is enrolled as a fourth or fifth year student in an architectural college approved by the board.

New section.

SEC. 6. There is added to chapter 18.08 RCW a new section to read as follows:

**Applications
for exam
filed—Fee.**

All applications for examination must be filed with the director of licenses not less than sixty days prior to the date set for the examination. The application fee shall be forty dollars, twenty dollars of which shall accompany the application, the remaining twenty dollars to be paid upon issuance of the certificate. Should the director deny issuance of a certificate of registration to any applicant, the initial fee shall not be refundable. Graduates of an approved architectural college may apply for and take the examination but shall not be granted certificates of registration until their required office experience is completed.

New section.

SEC. 7. There is added to chapter 18.08 RCW a new section to read as follows:

**Examination
for certificates
of registration.**

Examination of applicants for certificates of registration shall be held at least annually at such times and places as the director may determine. The board shall determine from the examination and the material submitted with the applications whether or not the applicants possess sufficient knowledge, ability and moral fitness to safely and properly practice architecture and hold themselves out to the public as persons qualified to practice architecture. The scope of the examination and methods of procedure shall be prescribed by the board with special reference to building mechanics, structural design, supervision, materials, specifications and construction; history of architecture in relation to architectural design; planning and de-

sign, practical knowledge of sanitary and electrical installation, heating and ventilating and other similar subjects related to the practice of architecture. Applicants who fail to pass any subjects shall be permitted to retake the examination in the subjects which they shall have failed. A passing grade in any subject will exempt the applicant from examination in that subject for a period of five years. If the entire examination is not successfully completed within five years, a retake of the entire examination shall be required. A certificate of registration shall be granted by the director to all qualified applicants who shall be certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

SEC. 8. There is added to chapter 18.08 RCW a new section to read as follows:

All persons holding licenses as architects under chapter 205 of the Laws of 1919, in good standing at the effective date of this chapter, shall be registered as architects without examination.

Certain registrations without exam—
Exclusions under act.

Nothing in this act shall be construed to prohibit any person, firm or corporation from lawfully carrying on in this state as part of his or its principal occupation work falling within the definitions contained in this act of the terms "architecture" or "practice of architecture" from continuing such occupation so long as he or it shall not hold himself or itself out to the public as, or represent himself or itself to be, an architect. This section shall be deemed to specifically exclude home designers and contractors not representing themselves to be architects. This specific exclusion shall not affect the rights of others excluded by the general language of this section.

SEC. 9. There is added to chapter 18.08 RCW a new section to read as follows:

Out-of-state
applicants—
Qualifications
—Reciprocity.

The director may, upon payment of the current registration fee, grant a certificate of registration without examination to an applicant who is a registered architect in another state who has had at least the equivalent experience in responsible charge of architectural work or responsible charge of architectural teaching required by section 5 of this act: *Provided*, That such applicant presents evidence that he has satisfactorily completed a written examination equivalent to the national council of architects registration board examination: *And provided further*, The state in which the applicant is registered grants reciprocal privileges to architects registered in this state.

New section.

SEC. 10. There is added to chapter 18.08 RCW a new section to read as follows:

Certificate
expiration—
Renewal fee—
Withdrawal
from practice.

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which fee shall be not less than ten dollars nor more than twenty dollars. Renewal may be effected during the month of June by payment to the director of the fee set. In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee: *Provided*, That any registrant in good standing may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

New section.

SEC. 11. There is added to chapter 18.08 RCW a new section to read as follows:

Grounds to
revoke, re-
fuse license.

The director may refuse to renew or may revoke a certificate of registration to practice architecture in this state upon the following grounds:

That the holder of the certificate of registration is falsely impersonating a practitioner or former practitioner.

That the holder of a certificate is practicing under a corporate name or under a name implying that the responsibility for the work is assumed by a registered architect who is, in fact, not in responsible charge.

That the holder of the certificate of registration is guilty of fraud or deceit or of gross negligence, gross incompetency or gross misconduct in the practice of architecture.

For the conviction of a crime involving moral turpitude.

That the holder of the certificate of registration permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control.

That the holder of the certificate of registration received unbeknown to a party for whom he is doing work, rebates, commissions, grants of money or favors which he is not entitled to or justified in receiving.

That the holder of the certificate is practicing contrary to the provisions of this chapter.

That the holder of the certificate has committed fraud in applying for or obtaining a certificate.

SEC. 12. There is added to chapter 18.08 RCW a **New section.** new section to read as follows:

In all cases where the director shall refuse to renew or shall revoke a certificate of registration the holder shall be entitled to a hearing and shall be given twenty days' notice in writing by the director thereof. The notice shall specify the offenses with which the accused person is charged and shall also give the day and place where the hearing is to be held. The hearing shall be held in the county

Procedure when refused, revoked certificate.

seat of the county in which the accused person resides.

The director may issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe.

The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, file them in his office, and serve upon the accused a copy of such findings and conclusions.

Any order refusing renewal of registration or revoking registration shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within fifteen days after a copy thereof is served upon him, to the superior court of the county in which the aggrieved person resides, which shall hear the matter de novo.

An appeal shall lie to the supreme court from the judgment of the superior court as provided in other civil cases.

New section.

SEC. 13. There is added to chapter 18.08 RCW a new section to read as follows:

Reinstating
certificate—
Replacing
certificate,
fee.

The director may reinstate a certificate of registration to any person whose certificate has been revoked, provided three or more members of the board vote in favor of such reissuance, whenever the board shall find that the circumstances or conditions that brought about the revocation are not likely to recur and that the person is then suffi-

ciently trustworthy and reliable that the best interests of the public will be served by reinstatement of his registration. A new certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued by the director and a charge of one dollar shall be made for such issuance.

SEC. 14. There is added to chapter 18.08 RCW a new section to read as follows:

The director shall issue a certificate of registration upon payment of the registration fee as provided in this chapter to any applicant who has satisfactorily met all the requirements for registration. All certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the board and by the director.

New section.

Certificate contents, as evidence—Registrant's seal.

The issuance of a certificate of registration by the director shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

Each registrant shall obtain a seal of the design authorized by the board bearing the registrant's name and the legend "registered architect." Drawings prepared by the registrant shall be stamped with said seal when filed with public authorities. It shall be unlawful for anyone to stamp or seal any document with the seal after the certificate of registrant named thereon has expired or been revoked or while the certificate is suspended.

SEC. 15. There is added to chapter 18.08 RCW a new section to read as follows:

There is established in the state general fund the architects' license account, into which all fees paid pursuant to this chapter shall be paid.

Architect's license account.

SEC. 16. There is added to chapter 18.08 RCW a new section to read as follows:

New section.

Exclusions
under act.

Nothing contained in this chapter shall be deemed to prevent or affect in any way the practice of engineering or land surveying as defined in chapter 18.43 RCW except that no person shall use the designation "architect," "architectural" or "architecture" unless licensed under the provisions of this chapter; nor to prevent the preparations of working drawings, details and shop drawings by persons other than architects for use in connection with the execution of their work or in connection with proposals to be submitted for securing work or contracts; nor to prevent employees of architects from acting under the instruction, control or supervision of their employers; nor to apply to the supervision by builders or superintendents employed by such builders of the construction or structural alteration of buildings or structures: *Provided, however,* That nothing herein contained shall be construed to permit any person not licensed as provided in this chapter to use the title "architect," or any title, sign, card or device to indicate that such a person is an architect. This chapter shall not apply to landscape architects or naval architects who do not engage in or profess to engage in the practice of architecture.

New section.

SEC. 17. There is added to chapter 18.08 RCW a new section to read as follows:

Companies
to have
registered
architect.

No corporation or stock company shall be entitled to receive a certificate of registration to practice architecture. When an architectural firm maintains or professes to maintain an office or facility within the state for the purpose of practicing architecture, a principal of the firm must be an architect registered pursuant to this chapter and a resident of this state.

New section.

SEC. 18. There is added to chapter 18.08 RCW a new section to read as follows:

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Violation,
misdemeanor.

SEC. 19. Sections 1 through 8, chapter 205, Laws of 1919 and RCW 18.08.010 through 18.08.090 are each repealed. Repeal.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 324.

[H. B. 72.]

BEAUTY CULTURE AND HAIRDRESSING.

AN ACT relating to hairdressing and beauty culture; amending section 2, chapter 215, Laws of 1937, as last amended by section 1, chapter 313, Laws of 1955, and RCW 18.18.010; amending section 3, chapter 52, Laws of 1957 and RCW 18.18.050; amending section 5, chapter 180, Laws of 1951, as last amended by section 3, chapter 313, Laws of 1955, and RCW 18.18.090; amending section 7, chapter 180, Laws of 1951, as last amended by section 6, chapter 313, Laws of 1955, and RCW 18.18.140; amending section 7, chapter 52, Laws of 1957 and RCW 18.18.160; amending section 8, chapter 52, Laws of 1957 and RCW 18.18.170; amending section 15, chapter 215, Laws of 1937 and RCW 18.18.220; amending section 11, chapter 52, Laws of 1957 and RCW 18.18.260; adding a new section to chapter 215, Laws of 1937 and to chapter 18.18 RCW; and repealing section 3, chapter 180, Laws of 1951, section 4, chapter 52, Laws of 1957, and RCW 18.18.060.

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

SECTION 1. Section 2, chapter 215, Laws of 1937, as last amended by section 1, chapter 313, Laws of 1955, and RCW 18.18.010 are each amended to read as follows: RCW 18.18.010
amended.

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section: Definitions.

“Practice of hairdressing,” “hairdressing.”

(1) “Practice of hairdressing” or “hairdressing” means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting on female persons;

“Hairdresser.”

(2) “Hairdresser” means any person, firm or corporation who engages in the practice of hairdressing;

“Practice of beauty culture,” “beauty culture.”

(3) “Practice of beauty culture” or “beauty culture” means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting on female persons;

“Beauty culturist.”

(4) “Beauty culturist” means any person, firm or corporation who engages in the practice of beauty culture;

“Student.”

(5) A “student” is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed beauty school, and who does not receive any wage or commission: *Provided*, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

“Operator.”

(6) An “operator” is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and beauty culture under the

direct supervision and direction of a manager operator;

(7) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year; "Manager operator."

(8) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and beauty culture is conducted; "Shop."

(9) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and beauty culture; "School."

(10) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture in a school and who has the qualifications of a manager operator and who has passed an instructor examination: *Provided*, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor shall not perform beauty culture services for members of the public except for instruction purposes; "Instructor operator."

(11) "Director" means the state director of licenses. "Director."

SEC. 2. There is added to chapter 215, Laws of 1937 and to chapter 18.18 RCW a new section to read as follows: New section.

It shall be unlawful for any person, firm, or corporation to operate a beauty shop without a shop location license for each beauty shop. Application therefor shall be made on forms furnished by the director and shall contain such information as the director may reasonably require. Upon receipt of such application and the fee required by this chapter, the director shall issue a shop location license if such shop meets the other requirements of this chapter. Shop location license mandatory.

RCW 18.18.050
amended.

SEC. 3. Section 3, chapter 52, Laws of 1957 and RCW 18.18.050 are each amended to read as follows:

Operator's
license—
Qualifications.

An operator's license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has graduated from an accredited high school or the equivalent thereof as determined by the director whose determination shall be conclusive: *Provided*, That this subdivision shall not apply to those holding a valid operator's license or attending a recognized beauty school prior to the effective date of this amendatory section but such persons shall be subject to the law in existence prior to the effective date of this amendatory section; (4) is a citizen of the United States or declared his intention to become a citizen; (5) has completed a course of training of not less than two thousand hours in a recognized beauty school, such training not to exceed eight hours in any one day; and (6) who has satisfactorily passed the hairdressing and beauty culture examination in this state.

RCW 18.18.090
amended.

SEC. 4. Section 5, chapter 180, Laws of 1951, as last amended by section 3, chapter 313, Laws of 1955, and RCW 18.18.090 are each amended to read as follows:

Applications
—Fees.

Each application shall be accompanied by the following fees: Operator, seven dollars; instructor operator, ten dollars; manager operator, four dollars; shop, twenty-five dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination without payment of an additional fee.

RCW 18.18.140
amended.

SEC. 5. Section 7, chapter 180, Laws of 1951, as last amended by section 6, chapter 313, Laws of 1955, and RCW 18.18.140 are each amended to read as follows:

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, two dollars; instructor operator, five dollars; manager operator, four dollars; shop, six dollars; school, one hundred and fifty dollars.

Licenses.
Renewal—
Fees.

If a certificate of health is required with an application for a license, one must also be filed with a renewal application.

Any person whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of two dollars: *Provided*, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

SEC. 6. Section 7, chapter 52, Laws of 1957 and RCW 18.18.160 are each amended to read as follows:

RCW 18.18.160
amended.

Every manager and operator licensed under this chapter, within thirty days after changing his place of residence or business as recorded upon the records of the director, shall notify the director in writing of his new place of residence or business.

—Change
of location,
notice of—
Operation
under invalid
license, mis-
demeanor.

Whenever a shop licensed under this chapter shall be discontinued, such license shall thereupon be of no further force and effect and shall be invalid. The person to whom the shop license is issued shall notify the director of such action and return to the director the license of such shop within thirty days of such discontinuance. Any person seeking to operate or reopen such shop after such discontinuance under the invalid license, or who fails to make the notification herein required shall be guilty of a misdemeanor and each day on which such violation occurs shall constitute a separate offense.

SEC. 7. Section 8, chapter 52, Laws of 1957 and RCW 18.18.170 are each amended to read as follows:

RCW 18.18.170
amended.

—Restrictions—Shops and schools.

Every shop license authorizing a person to conduct such shop shall be issued only in the name of the shop and the name of the person named in the application for the shop license, to which may be added the trade name, under which the shop is conducted. Such license shall state that it is not transferable.

The person named in the shop license shall be primarily responsible for the business ethics and the proper conduct of the shop.

No school and shop shall be maintained in the same location; nor shall there be any connecting entrance.

RCW 18.18.220 amended.

SEC. 8. Section 15, chapter 215, Laws of 1937 and RCW 18.18.220 are each amended to read as follows:

Revocation or suspension of licenses—Grounds for.

Any license issued pursuant to this chapter may be revoked for any of the following causes arising after the issuance thereof:

(1) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;

(2) Habitual drunkenness or the use of habit forming drugs;

(3) Gross incompetency;

(4) Advertising in any manner by means of knowingly false or deceptive statements;

(5) Performing work authorized by said license in an unsanitary or filthy manner;

(6) Performing the practice of hairdressing and beauty culture upon the person of another while knowingly suffering from an infectious or contagious disease;

(7) Wilful violation of any of the provisions of this chapter;

(8) Failure to pay an operator the minimum wage required by law.

SEC. 9. Section 11, chapter 52, Laws of 1957 and RCW 18.18.260 are each amended to read as follows:

RCW 18.18.260 amended.

No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing and beauty culture shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

Unlawful practices.

No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing and beauty culture shop, nor engage in hairdressing and beauty culture in any room used for sleeping or residential purposes.

Every hairdressing and beauty culture shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

From and after July 1, 1959 every hairdressing and beauty culture shop shall provide and maintain for the use of the customers adequate toilet facilities.

No hairdressing or beauty shop shall be operated unless it is under the direct supervision of a manager operator.

No person other than an operator in demonstrating, or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010 and 18.18.190.

No student shall engage in the practice of hairdressing and beauty culture except in a school under the direct supervision of an instructor.

SEC. 10. Section 3, chapter 180, Laws of 1951, section 4, chapter 52, Laws of 1957 and RCW 18.18.060 are each repealed.

Repeal.

Passed the House February 21, 1959.

Passed the Senate March 11, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 325.

[H. B. 254.]

ELECTRICIANS AND ELECTRICAL INSTALLATIONS.

AN ACT relating to electricians and electrical installations; amending section 4, chapter 169, Laws of 1935 and RCW 19.28.120; and amending section 8, chapter 169, Laws of 1935 and RCW 19.28.210.

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

RCW 19.28.120 amended.

SECTION 1. Section 4, chapter 169, Laws of 1935 and RCW 19.28.120 are each amended to read as follows:

License re-
quired—Fee—
Application—
Bond.

From and after the first day of January, 1936, it shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of licenses in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the date of their issue, and the fee for such license shall be seventy-five dollars. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus and/or appliances

to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the penal sum of one thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and transmit the application accompanied by his duplicate receipt for the fee to the department of licenses, which department shall thereupon issue the license herein provided for. Upon approval of said bond by the attorney general, he shall transmit the same to the secretary of state, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, upon the payment of the fee required by law. Said bond shall be conditioned that in any installation of wires and/or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing a higher and/or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installation as may be in

effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor and material furnished or used upon such work and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

RCW 19.28.210 amended.

SEC. 2. Section 8, chapter 169, Laws of 1935, and RCW 19.28.210 are each amended to read as follows:

Inspections—
Notice to
make repairs
and changes—
Disconnection
—Entry—Con-
cealment—
Connection to
utility.

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect all wiring, appliances, devices and equipment to which this chapter applies. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person

to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties or for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection: *Provided, however,* That if duly authorized inspectors are not available for such inspection, an affidavit may be furnished by the contractor or other person doing the work, indicating that there has been compliance with the provisions of this chapter. Electrical utilities furnishing service to electrical installations shall refuse to connect installations and/or equipment to their lines unless there is affixed to each new or altered service entrance a safe wiring label issued by the director of labor and industries and bearing an affidavit or a certificate of inspection as required by this chapter. The labels shall be furnished upon payment to the department of labor and industries a fee of \$2.00 each. Application for labels shall be in writing and signed by the applicant; and labels when used by a licensed contractor shall bear the signature or seal of such contractor.

Sec. 3. The provisions of this chapter shall not apply within the corporate limits of any incorporated city or town which has heretofore adopted

Where chapter
inapplicable.

or may hereafter adopt, an ordinance regulating or otherwise controlling the installation of electrical wires, equipment, apparatus or appliances.

Utilities
exempted
from chapter
provisions.

SEC. 4. The provisions of chapter 19.28 RCW shall not apply to the work of installing, maintaining or repairing any and all electrical wires, apparatus, installations or equipment used or to be used by a telegraph company or a telephone company in the exercise of its functions and located outdoors or in a building or buildings used exclusively for that purpose.

Passed the House March 11, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 326.

[H. B. 642.]

APPROPRIATIONS—HIGHWAYS.

AN ACT relating to highways; making appropriations, reappropriations, and supplemental appropriations for the operation of the state highway commission and the Washington toll bridge authority; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the biennium ending June 30, 1961, the sum of three hundred thousand dollars to carry out the provisions of RCW 47.60.180 and 47.60.190.

Appropriation.

SEC. 2. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1961, the sum of five hundred seventeen thousand one hundred fifty-four dollars for salaries, wages, and

operations necessary for the collection of tolls on the Tacoma Narrows bridge. This money is to be considered as a loan and is to be repaid in accordance with RCW 47.56.245.

SEC. 3. The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund are hereby authorized for expenditures for the purposes provided by law.

Highway
equipment
fund as revolving
fund.

This section 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.

Emergency.

SEC. 4. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of two million four hundred three thousand five hundred ten dollars, the same being the December 31, 1958 unexpended balance of the appropriation contained in section 46, chapter 172, Laws of 1957, for construction of roads in Adams, Grant and Franklin counties: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state auditor as of June 30, 1959.

Reappropriation (1957
c 172 § 46).

SEC. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of five million three hundred sixty-seven thousand three hundred ninety-five dollars, the same being the December 31, 1958 unexpended balance of the appropriation contained in section 47,

Reappropriation (1957
c 172 § 47).

chapter 172, Laws of 1957, for construction of highways on primary state highway No. 1, Snoqualmie Pass, Columbia Basin secondaries and Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state auditor as of June 30, 1959.

Reappropriation (1957 c 172 § 49).

SEC. 6. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of three million four hundred fifty-eight thousand eight hundred thirteen dollars, the same being the December 31, 1958 unexpended balance of the appropriation contained in section 49, chapter 172, Laws of 1957, for advance rights of way: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state auditor as of June 30, 1959.

Reappropriation (1957 c 206 § 10).

SEC. 7. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of three million dollars, the same being the December 31, 1958 unexpended balance of the appropriation contained in section 10, chapter 206, Laws of 1957, for construction of Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state auditor as of June 30, 1959.

Reappropriation (1957 c 189 § 13).

SEC. 8. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of seventy-five million dollars, the same

being the December 31, 1958 unexpended balance of the appropriation contained in section 13, chapter 189, Laws of 1957, for construction of the Tacoma-Seattle-Everett freeway: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state auditor as of June 30, 1959.

SEC. 9. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1961, and for obligations incurred and not yet paid, the sum of three hundred fourteen thousand nine hundred forty-one dollars, the same being the December 31, 1958 unexpended balance of the appropriation contained in section 54, chapter 172, Laws of 1957, for construction of primary state highway No. 1 and Pasco-Kennewick bridge: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation, as shown on the records of the state auditor as of June 30, 1959.

Reappropriation (1957 c 172 § 54).

SEC. 10. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1961, the sum of forty-nine million eight hundred ninety-five thousand seven hundred seven dollars or so much thereof as is necessary, for salaries, wages and operations of the Washington state highway commission and its staff, the director of highways and his staff, together with district personnel engaged in the general direction of the highway department, including assistance to counties and cities, budgeting, accounting, clerical, employee safety and training, traffic and weight control, the supervisory functions of the construction engineer, bridge engineer, plans and contract engineer, materials engineer, chief right of way agent, mainte-

Appropriation.

nance engineer, and all of their assistants and office forces in the headquarters, district and field offices, whose services and related expenses, including training, general office and laboratory expense, and radio operations; for the maintenance and operation of buildings, grounds and structures owned or rented for the housing of personnel, equipment, and supplies necessary for the proper execution of the activities of the department, including the costs of rent, janitor services and supplies, heating, electrical energy, water, and any other pertinent operating expense; for conducting a highway planning and research program consisting of road inventories and mapping, regular and special traffic surveys and studies, financial studies and fiscal reports, related economic surveys and studies, and research and studies approved by the Washington state highway commission and the joint fact-finding committee for highways, streets and bridges; for the maintenance and operation of the state highways and designated routes through cities and towns including the repair and maintenance of roadway surfaces, roadside drainage, shoulders and side approaches, roadside development and traffic services, structures and ferries, and emergencies, emergencies being defined as damages to highways, structures, or ferries and/or other conditions involving public safety or welfare which could not with reasonable judgment have been foreseen; for anticipated reimbursable expenditures of any kind for work performed or services rendered for cities, counties or any other state or federal agency, collectible damages to state property from any source and for inventories and salary suspense.

Appropriation.

SEC. 11. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1961, and for obligations incurred and not yet paid the

sum of two hundred ten million eight hundred forty-five thousand eighty dollars, or such thereof as may be necessary for buildings and other structures, construction and reconstruction of highways and designated routes through cities and towns, including location, rights of way, bridges and ferries, and including funds to be expended on and off the state system to be reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto; also for emergencies and any other proper highway purpose, emergencies being defined as damages to highways, structures, ferries and/or other conditions involving public safety or welfare, which could not with exercise of reasonable judgment have been foreseen.

SEC. 12. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period ending June 30, 1959, the sum of fourteen million dollars, or so much thereof as is necessary to provide for the expenditure of funds to be reimbursed under specific project agreements executed under the federal aid road acts and the state acts assenting thereto. Appropriation.

This section 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.

SEC. 13. *There is hereby appropriated from the motor vehicle fund to the department of institutions the sum of eighteen thousand dollars. This appropriation is in compensation for land and improvements taken for the construction of primary state highway No. 15 from the Washington state reformatory at Monroe and is to be used for the construction and equipping of housing at said institution.* Vetoed.

Appropriation.

SEC. 14. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1961 the sum of one hundred ten thousand dollars, or so much thereof as may be necessary for the location, purchase of right of way and constructing an approach road from the state capitol to primary state highway No. 1, and upon completion shall become a part of the Olympia city street system. The actual location of the approach road shall be that agreed upon jointly between the Washington state highway commission and the state capitol committee.

Passed the House March 8, 1959.

Passed the Senate March 11, 1959.

Approved by the Governor March 24, 1959, with the exception of section 13, which is vetoed.

Veto message,
excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"This bill is approved with the exception of section 13 which is vetoed. Section 13 appropriates from the motor vehicle fund to the Department of Institutions the sum of \$18,000 to compensate the Department of Institutions for land and improvements taken from the Washington State Reformatory at Monroe upon the construction of Primary State Highway No. 15.

"The title of House Bill No. 642 relates solely to appropriations for the operation of the State Highway Commission and the Washington Toll Bridge Authority. For this reason, the appropriation sought to be made by the legislature in section 13 of this bill to the Department of Institutions violates article 2, section 19 of the Constitution of the State of Washington.

"For this reason I deem it advisable to veto section 13. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 327.

[H. B. 350.]

RECREATIONAL DEVICES—CONVEYANCES.

AN ACT relating to recreational devices designed for conveyance of persons.

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

SECTION 1. Every owner or operator of any device designed and operated for the conveyance of persons which aids in promoting entertainment, pleasure, play, relaxation, or instruction, including but not limited to things such as ski lifts, ski tows, and chair lifts, other than those devices or equipment subject to the jurisdiction of the public service commission, shall construct, furnish, maintain, and provide safe and adequate facilities and equipment with which to safely and properly receive and transport all persons offered to and received by the owner or operator of such device for transportation, and to promote the safety of such owner's or operator's patrons, employees and the public.

Recreation conveyances to be safe.

SEC. 2. It shall be unlawful after the effective date of this act to construct or install any such recreational device as set forth in section 1 of this act without first submitting plans and specifications for such device to the state parks and recreation commission and receiving the approval of the commission for such construction or installation. Violation of this section shall be a misdemeanor.

Devices to be approved—Violation, misdemeanor.

SEC. 3. The state parks and recreation commission shall have the authority and the responsibility for the inspection of the devices set forth in section 1 of this act and in addition shall have the following powers and duties:

Commission powers, duties, under act.

(1) Whenever the commission, after hearing called upon its own motion or upon complaint, finds

that additional apparatus, equipment, facilities or devices for use or in connection with the transportation or conveyance of persons upon the devices set forth in section 1 of this act, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto, in order to promote the security and safety of the public or employees, it may make and serve an order directing such repairs, improvements, changes, or additions to be made.

(2) If the commission finds that the equipment, or appliances in connection therewith, or the apparatus, or other structures of the recreational device set forth in section 1 of this act are defective, and that the operation thereof is dangerous to the employees of the owner or operator of such device or to the public, it shall immediately give notice to the owner or operator of such device of the repairs or reconstruction necessary to place the same in a safe condition, and may prescribe the time within which they shall be made. If, in its opinion, it is needful or proper, the commission may forbid the operation of the device until it is repaired and placed in a safe condition.

Unlawful
operation,
misdemeanor.

SEC. 4. It shall be unlawful for any owner or operator of the recreational devices set forth in section 1 of this act to knowingly and wilfully operate any such device that is defective. Violation of this section shall constitute a misdemeanor.

Inspector
---Assistants.

SEC. 5. The state parks and recreation commission shall employ or retain a person qualified in engineering experience and training who shall be designated as the inspector of recreational devices, and may employ such additional employees as are necessary to properly administer this act. The inspector and such additional employees may be hired

on a temporary basis or borrowed from other state departments, or the commission may contract with individuals or firms for such inspecting service on an independent basis. The commission shall prescribe the salary or other remuneration for such service.

SEC. 6. The inspector of recreational devices and his assistants shall inspect all equipment and appliances connected with the recreational devices set forth in section 1 of this act and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment, or appliances connected therewith, rendering the use of the equipment dangerous, immediately report the same to the owner or operator of the device on which it is found, and in addition report it to the commission. If in the opinion of the inspector the continued operation of the defective equipment constitutes an immediate danger to the safety of the persons operating or being conveyed by such equipment, the inspector may condemn such equipment and shall immediately notify the commission of his action in this respect: *Provided*, That inspection required by this act must be conducted at least once each year.

**Inspector,
assistants—
Powers and
duties.**

SEC. 7. The expenses in connection with making inspections under this act shall be paid in the first instance by the commission, provided that each owner or operator of such recreational device shall, upon notification by the commission of the amount due, reimburse the commission for the costs incurred by the commission in making such inspection. The commission shall not charge in excess of ten dollars an hour for the service in making such inspections and in no event shall the total costs of each inspection for which the commission is to be reimbursed exceed the sum of two hundred and fifty dollars. In determining the costs to be assessed hereunder, the

**Inspection
costs—Reim-
bursement—
Costs as lien
—Disposition
of moneys.**

commission must approximate the reasonable costs necessary in order to accomplish the purposes of this act. The costs as assessed by the commission shall be a lien on the equipment of the owner or operator of the recreational devices so inspected. The moneys collected by the commission hereunder shall be paid into the general fund.

Nonliability of state—Exercise of police power.

SEC. 8. Inspections, rules, and orders of the department resulting from the exercise of the provisions of this act shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this act, and all actions of the department and its personnel shall be deemed to be an exercise of the police power of the state.

Rules and regulations.

SEC. 9. The state parks and recreation commission is empowered to adopt reasonable rules, regulations, and codes relating to public safety in the construction, operation and maintenance of the recreational devices provided for in this act. The rules, regulations and codes authorized hereunder shall be in accordance with established standards, if any, and shall not be discriminatory in their application.

Review of commission orders.

SEC. 10. The procedure for review of the orders or actions of the state parks and recreation commission, its agents or employees, shall be the same as that contained in RCW 81.04.170, 81.04.180, and 81.04.190.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 328.

[Sub. H. B. 373.]

STATE BUDGET AND ACCOUNTING.

AN ACT relating to the state's budget and accounting system; prescribing powers and duties of certain officers and agencies in relation thereto; transferring certain powers and duties; repealing sections 2 through 8, 11 and 12, chapter 9, Laws of 1925, sections 1 through 5, chapter 162, Laws of 1929, and RCW 43.86.010 through 43.86.080, 43.86.110 and 43.86.120; repealing sections 8, 9, 10, 11, and 13, chapter 196, Laws of 1941, sections 8 and 11, chapter 114, Laws of 1947 and RCW 43.87.010 through 43.87.050; and declaring an emergency.

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

SECTION 1. *Purpose.* It is the purpose of this enactment to establish an effective budget and accounting system for all activities of the state government; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

Purpose.SEC. 2. *Definitions.*

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

Definitions.
"Budget."

(2) "Budget Document" shall mean a formal, written statement offered by the governor to the legislature, as provided in section 3 of this act.

"Budget document."

(3) "Budget Director" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this act. The budget director shall be head of the central budget agency, which shall be in the office of the governor.

"Budget director."

“Agency.”

(4) “Agency” shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this act.

“Public funds.”

(5) “Public funds”, for purposes of this act, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

“Regulations.”

(6) “Regulations” shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this act, as issued by the governor or his designated agent, and which shall have the force and effect of law.

Contents of budget document.

SEC. 3. *Content of the budget document.*

The budget document shall consist of the following parts:

Part I shall contain the governor’s budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

Part I shall also contain:

As to revenues:

(1) Anticipated revenues classified by fund and source;

(2) Comparisons between revenues actually received during the immediately past fiscal period, those received or anticipated for the current period, and those anticipated for the ensuing period;

(3) Cash surplus, by fund, to the extent provided by section 4 of this act;

(4) Such additional information dealing with revenues as the governor shall deem pertinent and useful to the legislature.

As to expenditures:

(1) Tabulations showing expenditures classified by fund, function, activity and object;

(2) Cash deficit, by fund, to the extent provided by section 5 of this act;

(3) Such additional information dealing with expenditures as the governor shall deem pertinent and useful to the legislature;

Part II shall embrace the detailed estimates of all anticipated revenues applicable to proposed operating expenditures. Part II shall also include all proposed operating expenditures. The total of anticipated revenues shall equal the total of proposed applicable expenditures: *Provided*, That this requirement shall not prevent the liquidation of any deficit existing on the effective date of this act. This part shall further include:

(1) Interest, amortization and redemption charges on the state debt;

(2) Payments of all reliefs, judgments and claims;

(3) Other statutory expenditures;

(4) Expenditures incident to the operation for each agency in such form as the governor shall determine;

(5) Revenues derived from agency operations;

(6) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and

those anticipated for the current and next ensuing periods;

(7) Such other information as the governor shall deem useful to the legislature in gaining an understanding of revenues and expenditures.

Part III shall consist of:

(1) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(2) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(3) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature.

**Cash
surplus.**

SEC. 4. *Cash surplus.* Surplus available for appropriation shall be limited to cash surplus, defined for purposes of this act as any money, assets or other resources available for expenditure over and above any liabilities which are expected to be incurred by the close of the current fiscal period. If the aggregate of estimated revenues for the next ensuing fiscal period, together with the surplus, if any, for the current fiscal period exceeds the applicable appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his recommendations for the use of said excess of anticipated revenues, and said surplus, over applicable appropriations for the reduction of indebtedness, for the reduction of taxation or for other purposes as in

his discretion shall serve the best interests of the state.

SEC. 5. *Cash deficit.* Cash deficit of the current fiscal period is defined for purposes of this act as the amount by which the aggregate of expenditures charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available reserve funds. Cash deficit.

If, for any applicable fund, the estimated revenues for the next ensuing period plus cash surplus shall be less than the aggregate of appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may provide for orderly liquidation of the currently existing deficit over a period of one or more fiscal periods, if, in his discretion, such manner of liquidation would best serve the public interest.

SEC. 6. *Legislative review of budget document and budget bill.* Within five calendar days after the convening of the legislature the governor shall submit the budget document unless such time is extended by the legislature. The governor shall also submit a budget bill which for purposes of this act is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill and to supply such additional information as may be required. Legislative review of budget document, bill.

Appropriations.

SEC. 7. *Appropriations.* Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums.

Adoption of budget.

SEC. 8. *Adoption of budget.* Adoption of the appropriation, or budget, bill by the legislature shall constitute adoption of the budget and the making of appropriations therefor. The budget shall be finally adopted not later than thirty calendar days prior to the beginning of the fiscal period.

Development of budget.

SEC. 9. *Development of budget.* For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in section 11 of this act; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted

to the legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in section 10. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary.

SEC. 10. *Executive hearings.* The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination.

Executive
hearings.

SEC. 11. *Expenditure programs; allotments; reserves.* Subsections (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

Expenditure
programs;
allotments;
reserves.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: *Provided*, That revision of allotments shall not be made for the following: agencies headed by elective officials; University of Washington; Washington State College; Central Washington College of Education; Eastern Washing-

ton College of Education; and Western Washington College of Education. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials and for institutions for higher education, as provided in this section, the approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this act. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials and for institutions for higher education the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this act and under the regulations issued pursuant to this act.

SEC. 12. *Revenue estimates.* Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates at such times and in such form as may be required by him.

Revenue
estimates.

SEC. 13. *When contracts and expenditures prohibited.* No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void.

When contracts and expenditures prohibited.

SEC. 14. *Lapsing of appropriations.* All appropriations shall lapse at the end of the fiscal period to the extent that they have not been expended or lawfully obligated. Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from which the appropriation was made.

Lapsing of appropriations.

SEC. 15. *Priority of expenditures—appropriated and nonappropriated funds.* For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor is authorized to direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds.

Priority of expenditures.

SEC. 16. *Fiscal management—powers and duties of officers and agencies.* This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this act shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

Fiscal management—Powers, duties, of officers and agencies.

Fiscal management—
Powers, duties,
of officers
and agencies.

(1) Governor; budget director. The governor, through his budget director, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the central budget agency. The budget director may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the budget director, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: *Provided*, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualification requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the

following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State College; Central Washington College of Education; Eastern Washington College of Education; and Western Washington College of Education;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him, except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State College; Central Washington College of Education; Eastern Washington College of Education; and Western Washington College of Education;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: *Provided*, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the budget

Fiscal management—
Powers, duties,
of officers
and agencies.

director. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this act.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to whether agencies, in making expenditures, complied with the will of the legislature; and

(ii) Such plans as he deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public

record, including disclosure to the agency concerned and to the budget director. It shall be the duty of the budget director to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in section 11 of this act.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safe keeping of public funds.

(b) Give information to the legislature and legislative council whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

SEC. 17. Refunds of erroneous or excessive payments. Whenever any law which provides for the collection of fees or other payment by an agency

Refunds.

does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this act shall prescribe the procedure to be employed in making refunds.

Where appropriations not required.

SEC. 18. Where appropriations not required. Appropriations shall not be required for refunds, as provided in section 17 of this act, nor in the case of payments to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. A trust fund is defined for purposes of this act as a fund consisting of resources received and held by an agency as trustee, to be expended or invested in accordance with the provisions of the trust. Said funds shall include, but shall not be limited to, the Accident Fund, Medical Aid Fund, Retirement System Fund, Washington State Patrol Retirement Fund and Unemployment Trust Fund. Nor shall appropriations be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. It shall not be necessary for an appropriation to be made to permit payment of obligations by revolving funds, as provided in section 19 of this act.

Revolving funds.

SEC. 19. Revolving funds. Revolving funds shall not be created by law except to finance the operations of service units, or units set up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this act shall prescribe the procedures

to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer.

SEC. 20. Public records. All agency records reflecting financial transactions, such records being defined for purposes of this act to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours. Public records.

SEC. 21. It is the intent of this act to assign to the governor's office authority for developing and maintaining budgeting, accounting, reporting and other systems necessary for effective expenditure and revenue control among agencies. Implementation.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this act, the same shall be given to the agency or agencies in the manner provided for in this act.

Construction.

SEC. 22. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

Legislative committees enumerated.

SEC. 23. For the purposes of this act, the legislative council, the statute law committee, the legislative budget committee, and all legislative interim committees shall be deemed a part of the legislative branch of state government.

Inapplicable to commissions.

SEC. 24. This act shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66 RCW: *Provided*, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

Repeal.

SEC. 25. The following acts or parts of acts are repealed:

(1) Sections 2 through 8, 11 and 12, chapter 9, Laws of 1925, sections 1 through 5, chapter 162, Laws of 1929 and RCW 43.86.010 through 43.86.080, 43.86.110 and 43.86.120;

(2) Sections 8, 9, 10, 11 and 13, chapter 196, Laws of 1941, sections 8 and 11, chapter 114, Laws of 1947 and RCW 43.87.010 through 43.87.050.

SEC. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 27. 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. Emergency.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 329.

[H. B. 599.]

ELECTIONS—VOTERS' AND CANDIDATES' PAMPHLETS.

AN ACT relating to elections and the publication of voters' and candidates' pamphlets and the form and contents thereof; providing procedures in relation thereto; amending section 26, chapter 138, Laws of 1913, as last amended by section 4, chapter 144, Laws of 1933, and RCW 29.79.360; amending section 1, chapter 30, Laws of 1917 and RCW 29.79.370 through 29.79.400; adding new sections to chapter 138, Laws of 1913 and to chapter 29.79 RCW; and repealing RCW 29.79.330, 29.79.340, and 29.79.350; and amending sections 3105 and 3109, Code of 1881 and RCW 29.65.010.

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

SECTION 1. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows: New section.

The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section: Required contents of voters' pamphlet.

(1) Upon the top portion of the first two opposing pages relating to said measure and not ex-

ceeding one-third of the total printing area shall appear:

(a) The legal identification of the measure by serial designation and number;

(b) The official ballot title of the measure;

(c) A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure.

(4) Following each argument each member of the committee advocating for or against a measure shall be listed by name and address to the end that the public shall be fully apprised of the advocate's identity.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in section 9.

New section.

SEC. 2. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

(1) The attorney general shall prepare the explanatory statements required to be presented on the

top portion of the two facing pages relating to each measure. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this amendatory act. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

Explanatory
statements—
Objections
thereto.

(2) Arguments advocating the voters' approval or rejection of any measure shall be prepared and submitted for printing by the committees created pursuant to sections 3, 4, and 5. Such arguments shall be the official arguments and no other arguments shall appear in the pamphlet as to such measure. Arguments may contain graphs and charts, supported by factual statistical data and pictures or other illustrations, but cartoons or caricatures shall not be permitted.

Arguments
on measures.

SEC. 3. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

New section.

Arguments for constructional amendments, referendum bills—Committee.

Arguments advocating voters' approval of any proposed constitutional amendment, referendum bill, or referendum measure shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator known to favor the measure and the presiding officer of the house of representatives shall appoint one state representative known to favor the measure. The two persons so appointed shall appoint a third member to the committee who may or may not be a member of the legislature.

New section.

SEC. 4. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Arguments against constitutional amendments, referendum bills—Committee.

Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and the presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature.

New section.

SEC. 5. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Arguments against referendum, for or against initiative measures—Committee.

Arguments advocating voters' rejection of any act passed by the legislature and referred to the people by referendum petition and arguments both for and against any initiative measure shall be composed and submitted for printing by committees created as follows:

(1) For arguments favoring any such measures, the presiding officer of the state senate, the presiding officer of the house of representatives and the secretary of state shall together appoint two persons known to favor the measure to serve on the committee. The two persons so appointed shall appoint a third person to the committee.

(2) For arguments against any such measures, the presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons to serve on the committee. Whenever possible, the two persons so appointed shall be known to have opposed the measure. The two persons so appointed shall appoint a third person to the committee.

SEC. 6. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

New section.

Committees created pursuant to sections 3, 4, and 5 of this act shall elect from their members a chairman to conduct the business of the committee. Each committee may name other persons, not to exceed five, to serve as advisory committee members without vote.

Committee
chairmen—
Vacancies.

In the event of a vacancy or vacancies in one of the committees, the remaining committee members or member, shall fill such vacancy or vacancies by appointment. Should any vacancy not be filled within fifteen days after it first occurs, the secretary of state shall fill such vacancy by appointment.

SEC. 7. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

New section.

The secretary of state shall promulgate such rules and regulations as may be necessary to facilitate the provisions of this amendatory act including but not limited to the setting of final dates for the

Rules and
regulations.

appointment of committees, for the filing of arguments and explanatory statements with his office, and for filing with his office a notice of any judicial review concerning the provisions of this amendatory act.

New section.

SEC. 8. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Form of amendments to Constitution.

Any proposed constitutional amendment which amends any part of the Constitution as it then exists shall be set forth in the following form: All deleted matter shall be set in italics and enclosed in brackets and all new material shall be underlined and there shall appear in bold face type between the caption and the body of the amendment, the following statement: "All words printed in italics are in the Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the Constitution as it now is written but will be put in if this amendment is adopted.": *Provided*, That if in the opinion of the secretary of state the proposed amendment is so extensive that the foregoing method is not practical then, in that case, the section of the Constitution as it stands at the time of the election and the Constitution as it will appear if amended shall be printed on facing pages headed in bold face type by the words "the Constitution as it is before amendment" and "the Constitution as it will be if amended."

SEC. 9. Section 1, chapter 30, Laws of 1917 (heretofore divided and codified as RCW 29.79.370 through 29.79.400) are divided and amended as set forth in sections 11 through 14 of this act.

RCW 29.79.370 amended. Publication date.

SEC. 10. (RCW 29.79.370) At least sixty days prior to any election at which any initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed in

pamphlet form a true copy of the serial designation and number, the ballot title, the legislative title, the full text of and the arguments for and arguments against each measure (including amendments to the Constitution proposed by the legislature) to be submitted to the people, and such other information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

SEC. 11. (RCW 29.79.380) All measures and arguments shall be printed in the following order:

RCW 29.79.380
enacted
without
amendment.

- (1) Those "Proposed by Initiative Petition";
- (2) Those "Proposed to the People by the Legislature";
- (3) Those "Proposed to the Legislature and Referred to the People";
- (4) Those "Initiated by Petition and Alternative by the Legislature";
- (5) "Amendments to the Constitution Proposed by the Legislature"; and
- (6) "Measures Recommending Constitutional Conventions."

SEC. 12. (RCW 29.79.390) All measures and arguments shall be printed and bound in a single pamphlet according to the following specifications:

RCW 29.79.390
amended.
—Pamphlet
—Make-up—
Specifications.

- (1) The pages of the pamphlet shall be not larger than eight and one-half by eleven inches in size;
- (2) The outside measurement of the printed matter of each page shall be not less than six by nine inches, including running head;
- (3) It shall be printed in clear readable type;
- (4) The pamphlet shall be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects.

RCW 29.79.400 amended. Printing costs —How paid.

SEC. 13. (RCW 29.79.400) The cost of printing and binding such pamphlets including the printing of arguments shall be paid from the moneys appropriated for printing for the secretary of state.

SEC. 14. Section 26, chapter 138, Laws of 1913, as last amended by section 4, chapter 144, Laws of 1933 (heretofore divided and codified as RCW 29.79.330 through 29.79.360) are amended to read as set forth in sections 16 through 19 of this act, RCW 29.79.330, 29.79.340, and 29.79.350 being hereby repealed.

Repeal.

SEC. 15. RCW 29.79.330 is hereby repealed.

Repeal.

SEC. 16. RCW 29.79.340 is hereby repealed.

Repeal.

SEC. 17. RCW 29.79.350 is hereby repealed.

RCW 29.79.360 enacted without amendment.

SEC. 18. (RCW 29.79.360) If in the opinion of the secretary of state any argument offered for filing contains any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file it: *Provided*, That the committee submitting such argument for filing may appeal to a board of censors consisting of the governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final.

Candidates pamphlet mailed to voters.

SEC. 19. There shall be mailed by the secretary of state to all voters of the state prior to each state general election a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein.

Nominee's statement and photo filed.

SEC. 20. Not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, at-

torney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, judge of the supreme court and judge of the superior court may file with the secretary of state a typewritten statement advocating his candidacy not to exceed three hundred fifty words per printed page accompanied by a photograph not more than five years old and suitable for reproduction. No such statement or photograph shall be filed by any person who is the sole nominee for any office.

SEC. 21. (1) The secretary of state shall reject any statement offered for filing, which, in his opinion, contains any obscene, profane, libelous or defamatory matter, or any language or matter, the circulation of which through the mails is prohibited by congress. Nor shall any nominee submit a photograph showing the uniform or insigna of any organization which advocates or teaches racial or religious intolerance.

Right to
reject state-
ment or photo
—Appeal.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the governor, attorney general and the lieutenant governor. The decision of such board shall be final upon the acceptance or rejection of the matter thus in controversy.

SEC. 22. Said nominees' statements and photographs as set forth in sections 19 and 20 of this act shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed no later than twenty days prior to the state general election concerned. The overall dimensions of such pamphlet shall be the same as the voters' pamphlet containing the text of state measures to be voted upon as set forth in RCW 29.79.390 and whenever possible shall be combined with the voters'

Candidates
pamphlets as
part of voters
pamphlet.

pamphlet as a single publication. Whenever such consolidation is possible, the candidates' portion of the text shall follow the text relating to the state measures.

Nominees to
pay cost—
Pages allot-
able.

SEC. 23. Nominees shall pay for one page of space in the candidates' pamphlet as follows:

(1) United States senator, United States representative and all nominees for state offices voted upon throughout the state, each two hundred dollars.

(2) State senator and state representative, each seventy-five dollars.

All such payments shall be made to the secretary of state when the statement is offered to him for filing and be transmitted by him to the state treasurer for deposit in the general fund.

Nominees for president and vice president shall each be entitled to one page without charge and each political party nominating a presidential candidate shall be entitled to one page without charge. Said nominees and political parties may each purchase additional pages at the rate of one hundred dollars per page not to exceed three additional pages.

Pamphlets
printed for
regional dis-
tribution—
Position
sequence.

SEC. 24. Whenever practical, the secretary of state shall cause the pamphlets to be printed so that no candidate's picture or statement shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

The candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the state general election ballot.

Rules and
regulations.

SEC. 25. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this act, to facilitate and clarify any procedures contained herein.

SEC. 26. Sections 3105 and 3109, Code of 1881 (heretofore combined and codified as RCW 29.65-.010) are each amended to read as follows:

RCW 29.65.010
amended.

(RCW 29.65.010) Any registered voter may contest the right of any person declared elected to an office to be exercised in the county, district or precinct of his residence, for any of the following causes:

Contests—
County,
precinct—
Registered
voter may
start—
Grounds.

(1) For malconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector, judge or clerk of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 330.

[H. B. 235.]

HIGHWAYS—INTERSTATE SYSTEM.

AN ACT relating to public highways; providing for payment by the state of the cost of removing or relocating utility facilities on or in state highways which are a part of the national system of interstate and defense highways when necessitated by construction, reconstruction or relocation of such public highways and when the state may be reimbursed in an amount equal to at least ninety percent for such costs by the United States; amending section 84, chapter 53, Laws of 1937 and RCW 47.44.020; and amending section 85, chapter 53, Laws of 1937 and RCW 47.44.030.

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

RCW 47.44.020
amended.

SECTION 1. Section 84, chapter 53, Laws of 1937 and RCW 47.44.020 are each amended to read as follows:

Hearing—
Grant of fran-
chise—Condi-
tions.

The hearing shall be conducted by the director or his assistant, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

After the hearing, if the director deems it to be for the public interest, he may grant the franchise in whole or in part, under such regulations and conditions as he may prescribe, with or without compensation, but not in excess of the reasonable cost to the director for investigating, handling and granting the franchise. The director may require that the utility and appurtenances be so placed on the highway that they will, in his opinion, least interfere with other uses of the highway.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the

state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in section 2 of this act. Renewal upon expiration of a franchise shall be by application and notice posted and published, and hearing conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted.

SEC. 2. Section 85, chapter 53, Laws of 1937 and RCW 47.44.030 are each amended to read as follows:

RCW 47.44.030 amended.

If the director deems it necessary that such a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, he shall give notice to the franchise holder to remove the facility at his expense and as the director orders: *Provided*, That notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the state highway commission shall pay or reimburse the owner for relocation or removal of any publicly, privately or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation or improvement of a highway which is part of the national system of interstate and defense highways for each item of cost for which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123, Federal

Removal of facilities—
Notice.

Aid Highway Act of 1958, and any other subsequent act of congress under which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on said national system of interstate and defense highways.

Construction of RCW 47.44.030.

SEC. 3. The provisions of RCW 47.44.030 authorizing the state highway commission to pay or reimburse the owner of a utility shall apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the state highway commission after June 30, 1959.

Passed the House March 12, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 331.

[H. B. 97.]

PROBATION COUNSELORS—STATE AID.

AN ACT relating to probation officers and services; and amending section 3, chapter 160, Laws of 1913, as last amended by section 1, chapter 270, Laws of 1951, and RCW 13.04.040, and making an appropriation.

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

Definitions.

SECTION 1. As used in sections 2 through 8 of this act:

"Director."

(1) "Director" means the director of the department of institutions;

"County."

(2) "County" means any county of the third class or lower classification;

"Probation counselor."

(3) "Probation counselor" includes probation officers and persons performing similar duties relative to probation services.

SEC. 2. There is hereby established a program of state aid for county probation services which shall be administered by the director of the department of institutions. Any funds appropriated, or otherwise made available, to carry out the provisions of this act shall be deposited in the state general fund to the credit of an account to be known as the "probation services account." Funds appropriated or otherwise made available to such account shall be disbursed therefrom by the director in accordance with the provisions of this act.

State aid authorized—
Probation services account.

SEC. 3. The funds from the probation services account shall be apportioned and be made available by the director to counties of third class and lower classifications to each eligible county in that ratio which the number of inhabitants residing in such county bears to the total number of inhabitants residing within all counties of the third class and lower classifications. The number of inhabitants shall be determined by the figures of the most recently reported federal census for the counties.

Apportionment of funds.

SEC. 4. State aid shall be granted by the director to eligible counties up to thirty-three and one-third percent of the expenditures incurred in employing the necessary probation counselors (1) to establish and maintain probation services in counties in which such services have not heretofore existed, and (2) to increase the number of probation counselors of any county and maintain such additional counselors: *Provided*, That probation counselors so employed shall conform to the personnel standards and qualifications as provided in section 6 of this act before such funds shall be available.

Extent, purpose of aid.

SEC. 5. In cases of emergency, financial hardship, or extreme need for probation services, the director may increase the percentage of state aid to an eligible county up to fifty percent for reimbursement

Emergency basis for increasing aid—
Limit.

of expenditures incurred as provided in section 4 of this act: *Provided*, That any increase shall not be in effect for a period exceeding two years. The director shall lower such increased percentage when the circumstances requiring the increase cease to exist.

Counselors,
court
appointed,
administered.

SEC. 6. Probation counselors under this act shall be appointed by the court, be subject to its supervision and administration, and shall serve at its pleasure. Each probation counselor so appointed shall in addition to having desirable personal qualifications as determined by the presiding judge shall be of good moral character and hold a bachelor of arts degree from an accredited college or university.

Application
for aid—Con-
tents—Adapt-
able, when

SEC. 7. Applications from counties for state aid under this act shall be made prior to July 1st of each year by the presiding judge of the county or judicial district to the director in conformity with rules and regulations prescribed by him. The application shall include (1) detailed plans and cost estimates covering probation services for the fiscal year, or portion thereof, for which aid is requested, (2) estimated clerical, maintenance, and operation costs, (3) educational qualifications and salaries of probation counselors, (4) designation of all items for which reimbursement is requested, and (5) such other information as the director deems pertinent.

Upon approval by the director the plan shall be adopted and the county declared eligible not later than August 1st of each year.

Report of ex-
penditures—
Claim for re-
imbursement
—Grounds
for denial.

SEC. 8. Each county approved as eligible for reimbursement under this act shall submit to the director at the end of each quarterly period, in such form as required by the director, a verified accounting of all expenditures made by the county

in providing probation services. The accounting shall designate those items for which reimbursement is claimed and shall be presented together with a claim for reimbursement. The director shall thereupon certify to the state treasurer the amount to be paid to such county and the state treasurer shall thereupon pay such amount to the county from the probation services account.

The director may deny, or direct the state treasurer to withhold, payment of state aid to any county if such county (1) fails to conform to the minimum educational qualifications for probation counselors provided for in this act, or (2) discontinues an approved plan, or (3) fails to enforce in a satisfactory manner any rules promulgated pursuant to this act or any law now in effect or hereafter enacted which relate in any manner to the administration of probation services.

SEC. 9. Section 3, chapter 160, Laws of 1913, as last amended by section 1, chapter 270, Laws of 1951, and RCW 13.04.040 are each amended to read as follows:

RCW 13.04.040
amended.

The court shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the court. In case a probation counselor shall be appointed by any court, the clerk of the court, if practicable, shall notify him in advance when a child is to be brought before said court. The probation counselor shall make such investigations as may be required by the court. The probation counselor shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof. He shall be present in order to represent the interests of the child when

Probation
counselors—
Appointment
—Powers—
Compensation.

the case is heard; he shall furnish the court such information and assistance as it may require, and shall take charge of the child before and after the trial as may be directed by the court.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or county or city ordinance, relative to the care, custody, and control of delinquent and dependent children.

The court may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or house of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the board of county commissioners, or cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the boards of county commissioners of the counties affected, and such persons shall be paid as other county officers are paid.

Appropriation.

SEC. 10. There is hereby appropriated from the general fund to the probation services account, to be used by the director of institutions as provided by law, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

Sections 1-8
temporary.

SEC. 11. Sections 1 through 8, inclusive, of this act are hereby declared to be temporary and shall terminate and expire on April 1, 1961.

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 332.

[H. B. 324]

CONTINGENCY FOREST FIRE SUPPRESSION ACCOUNT.

AN ACT relating to suppression of forest fires; making an appropriation; and declaring an emergency.

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

SECTION 1. There is created a contingency forest fire suppression account which shall be a separate account in the general fund. The account is for the purpose of paying the costs incurred in forest fire suppression and shall be used by the department of natural resources for emergency employment of men, rental of equipment, and purchase of supplies over and above those regularly employed, or purchased by the department of natural resources, when such employment, rental, or purchase is made necessary by forest fire suppression. The commissioner of public lands shall transmit to the state treasurer for deposit in the forest fire suppression account any moneys paid out of said account which are later recovered.

Contingency
forest fire
suppression
account.

SEC. 2. To carry out the provisions of this act there is appropriated to the contingency forest fire suppression account from the general fund, the sum of two hundred thousand dollars.

Appropriation.

SEC. 3. There is appropriated to the department of natural resources from the contingency forest fire suppression account, the sum of two hundred thousand dollars.

Appropriation.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and the preserva-

Emergency.

tion of natural resources and shall take effect immediately.

Passed the House March 5, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 24, 1959.

AUTHENTICATION

I, Victor A. Meyers, 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 Thirty-Sixth Legislative Session of the State of Washington, held from January 12, 1959, until March 12, 1959, inclusive, with the original enrolled laws, now on file in my 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 [], 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 tenth day of July, 1959.



Victor A. Meyers

VICTOR A. MEYERS,
Secretary of State

LAWS, EXTRAORDINARY SESSION,
1959

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PREFACE

The Extraordinary Session of the 1959 Legislature convened at Olympia on March 13, 1959 (the day following the adjournment of the Regular Session) at the hour of 10:00 A. M., at the call of Governor Albert D. Rosellini. The special session adjourned two weeks later *sine die* on March 27, 1959.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, on June 26, 1959 (**midnight**, June 25th), except relief bills, appropriations and other acts declaring an emergency.

A handwritten signature in cursive script that reads "Victor A. Meyers". The signature is written in dark ink and includes a long, sweeping horizontal flourish at the end.

VICTOR A. MEYERS,
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session

1959

CHAPTER 1.

[S. B. 29.]

APPROPRIATION—PAYMENTS TO LEGISLATORS IN LIEU OF SUBSISTENCE AND LODGING.

AN ACT relating to legislators' subsistence and lodging, making an appropriation and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of **Appropriation.** the state general fund the sum of fifty-one thousand eight hundred dollars for payment, under the provisions of RCW 44.04.080, to members of the legislature in lieu of subsistence and lodging while in attendance at the first extraordinary session of the thirty-sixth legislature.

SEC. 2. This act is necessary for the immediate **Emergency.** 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 24, 1959.

Passed the House March 24, 1959.

Approved by the Governor March 26, 1959.

CHAPTER 2.

[S. B. 28.]

APPROPRIATION—LEGISLATIVE EXPENSES,
PRINTING—SPEAKER'S EXPENSES.

AN ACT relating to legislative expenses, making an appropriation and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the state general fund the sum of sixty-seven thousand eight hundred dollars, or so much thereof as may be necessary, for the purposes of paying the expenses of the first extraordinary session of the thirty-sixth legislature. From the amount appropriated, the senate shall not expend more than twenty-five thousand four hundred dollars; the house of representatives shall not expend more than thirty-two thousand four hundred dollars; and the senate and the house of representatives shall not in the aggregate expend more than ten thousand dollars for legislative printing including editing, indexing and binding of the senate and house journals.

Speaker reimbursed in lieu of expenses.

SEC. 2. From the allocation to the house of representatives for legislative expense, the house shall reimburse the speaker for not more than seventy days at the rate of \$25.00 per day in lieu of expenses for subsistence and lodging when required to be away from his place of residence to complete the work of the thirty-sixth session of the legislature and the extraordinary session thereafter, and to perform his duties as speaker during the interim period until the convening of the next regular session of the legislature.

Emergency.

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 26, 1959.

Passed the House March 26, 1959.

Approved by the Governor March 27, 1959.

CHAPTER 3.

[H. B. 1.]

EXCISE TAXES—BUSINESS AND OCCUPATION, SALES, USE, PUBLIC UTILITY, MOTOR VEHICLE.

AN ACT relating to revenue and taxation; amending section 5, chapter 389, Laws of 1955 and RCW 82.04.040; amending section 13, chapter 389, Laws of 1955 and RCW 82.04.120; amending section 20, chapter 389, Laws of 1955, as last amended by section 2, chapter 279, Laws of 1957, and RCW 82.04.190; amending section 48, chapter 389, Laws of 1955 and RCW 82.04.280; amending section 16, chapter 180, Laws of 1935, as last amended by section 2, chapter 10, Laws of 1955 first extraordinary session, and RCW 82.08-.020; amending section 19, chapter 180, Laws of 1935, as last amended by section 1, chapter 137, Laws of 1955, and RCW 82.08.030; amending section 25, chapter 180, Laws of 1935, as last amended by sections 3, 4, and 5, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88), and RCW 82.08.090 and 82.08.100; amending section 31, chapter 180, Laws of 1935, as last amended by section 3, chapter 10, Laws of 1955 first extraordinary session, and RCW 82.12-.020; amending section 32, chapter 180, Laws of 1935, as last amended by section 26, chapter 389, Laws of 1955, and RCW 82.12.030; amending section 11, chapter 178, Laws of 1941, as amended by sections 7, 8, and 9, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88), and RCW 82.12.060 and 82.12.070; amending section 37, chapter 180, Laws of 1935, as last amended by section 28, chapter 389, Laws of 1955, and RCW 82.16.010; amending section 36, chapter 180, Laws of 1935, as amended by section 19, chapter 225, Laws of 1939, and RCW 82.16.020; amending section 39, chapter 180, Laws of 1935 as amended by section 28, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88), and RCW 82.16.040; amending section 40, chapter 180, Laws of 1935, as last amended by section 11, chapter 228, Laws of 1949, and RCW 82.16.050; amending section 2, chapter 144, Laws of 1943, as last amended by section

10, chapter 261, Laws of 1957, and RCW 82.44.020; and declaring an emergency effective April 1, 1959.

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

RCW 82.04.040 amended.

SECTION 1. Section 5, chapter 389, Laws of 1955 and RCW 82.04.040 are each amended to read as follows:

B & O tax.
"Sale,"
"casual or isolated sale."

"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 RCW 82.04.050. It includes renting or leasing, 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 also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.

"Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved.

Note: See also section 1, chapter 5, Laws Ex. Sess., 1959.

RCW 82.04.120 amended.

SEC. 2. Section 13, chapter 389, Laws of 1955 and RCW 82.04.120 are each amended to read as follows:

"To manufacture."

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

RCW 82.04.190 amended.

SEC. 3. Section 20, chapter 389, Laws of 1955, as last amended by section 2, chapter 279, Laws of 1957, and RCW 82.04.190 are each amended to read as follows:

“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 (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) 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 as 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 any business activity taxable under RCW 82.04.290;

(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 as defined in RCW 82.04.280, 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, the state, and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes.

RCW 82.04.280 amended.

SEC. 4. Section 48, chapter 389, Laws of 1955 and RCW 82.04.280 are each amended to read as follows:

Tax on printers, publishers, highway contractors, cold storage warehouse operators.

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used, or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one percent.

Note: See also section 4, chapter 5, Laws Ex. Sess., 1959.

RCW 82.08.020 amended.

SEC. 5. Section 16, chapter 180, Laws of 1935 as last amended by section 2, chapter 10, Laws of 1955 first extraordinary session, and RCW 82.08.020 are each amended to read as follows:

Retail sales tax. Imposed—Temporary rate.

There is levied and there shall be collected a tax on each retail sale in this state equal to three and one-third percent of the selling price: *Provided*, That from April 1, 1959 until July 1, 1961 the tax imposed by this section shall be equal to four percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

SEC. 6. Section 19, chapter 180, Laws of 1935 as last amended by section 1, chapter 137, Laws of 1955, and RCW 82.08.030 are each amended to read as follows:

RCW 82.08.030
amended.

The tax hereby levied shall not apply to the following sales: Exemptions.

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) 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 the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3),

Exemptions
(Retail sales
tax).

(4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) 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;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of 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;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a

component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission, and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery

or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft of a length requiring coast guard registration, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the tax commission and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the tax commission with the regular report and a duplicate to be retained by the dealer.

SEC. 7. Section 25, chapter 180, Laws of 1935 as last amended by sections 3, 4, and 5, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88) (heretofore divided and codified as RCW 82.08.090 and 82.08.100) are divided and amended as set forth in sections 8 and 9 of this act.

SEC. 8. (RCW 82.08.090) In the case of installment sales and leases of personal property, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

RCW 82.08.090
amended.
Installment
sales, option
leases.

SEC. 9. (RCW 82.08.100) The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

RCW 82.08.100
enacted
without
amendment.

SEC. 10. Section 31, chapter 180, Laws of 1935, as last amended by section 3, chapter 10, Laws of 1955 first extraordinary session, and RCW 82.12.020 are each amended to read as follows:

RCW 82.12.020
amended.

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, or bailment, or extracted or produced or manufactured by the person so using the same. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be

Use tax.
Imposed—
Temporary
rate.

levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-third percent: *Provided*, That from April 1, 1959 until July 1, 1961 the tax levied in this section shall be in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four percent.

RCW 82.12.030
amended.

SEC. 11. Section 32, chapter 180, Laws of 1935, as last amended by section 26, chapter 389, Laws of 1955, and RCW 82.12.030 are each amended to read as follows:

Exemptions
(Use tax).

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a non-resident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this 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 and if such use was actual and substantial, but if an article was acquired less than three months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor

or donor has already been subjected to tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) 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;

Exemptions
(Use tax).

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained and shall not be exempt, and the director of licenses shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the tax commission;

(7) 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 the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) 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 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, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are regis-

tered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(12) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to school districts and used by such districts exclusively in connection with their high school driver training program.

SEC. 12. Section 11, chapter 178, Laws of 1941 as amended by sections 7, 8, and 9, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88) (heretofore divided and codified as RCW 82.12.060 and 82.12.070) are divided and amended as set forth in sections 13 and 14 of this act.

SEC. 13. (RCW 82.12.060) In the case of installment sales and leases of personal property, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

RCW 82.12.060
amended.
Installment
sales—Option
leases.

SEC. 14. (RCW 82.12.070) The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

RCW 82.12.070
enacted
without
amendment.

SEC. 15. Section 37, chapter 180, Laws of 1935, as last amended by section 28, chapter 389, Laws of 1955, and RCW 82.16.010 are each amended to read as follows:

RCW 82.16.010
amended.

Public utility
tax.
Definitions.
"Railroad
business."

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business;

"Express
business."

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

"Railroad car
business."

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

"Water dis-
tribution
business."

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;

"Light and
power
business."

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;

"Telephone
business."

(6) "Telephone business" means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

"Telegraph
business."

(7) "Telegraph business" means the business of affording telegraphic communication for hire;

(8) "Gas distribution business" means the busi-

ness of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;

"Gas distribution business."

(9) "Highway transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010;

"Highway transportation business."

(10) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property;

"Urban transportation business."

(11) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature. It includes, among

"Public service business."

others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

"Gross income."

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

Miscellaneous.

(13) The meaning attributed, in chapter 82.04, to the terms "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

RCW 82.16.020 amended.

SEC. 16. Section 36, chapter 180, Laws of 1935 as amended by section 19, chapter 225, Laws of 1939, and RCW 82.16.020 are each amended to read as follows:

Public utility tax imposed.

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three percent: *Provided*, That a common carrier railroad operating as a plant facility to the extent of eighty percent or more of its business shall pay a tax of one-fourth of one percent on such eighty percent or more of its business and three percent on all other business;

- (2) Gas distribution business: Two percent;
- (3) Urban transportation business: One-half of one percent;
- (4) Vessels under sixty-five feet in length operating upon the waters within the state: One-half of one percent;
- (5) Highway transportation and all public service businesses other than ones mentioned above: One and one-half percent.

SEC. 17. Section 39, chapter 180, Laws of 1935 as amended by section 28, chapter 197, Laws of 1959 (Engrossed Senate Bill No. 88), and RCW 82.16.040 are each amended to read as follows:

RCW 82.16.040 amended.

The provisions of this chapter shall not apply to persons engaging in one or more businesses taxable under this chapter whose total gross income is less than five hundred dollars for a monthly period or portion thereof. Any person claiming exemption under this section may be required to file returns even though no tax may be due. If the total gross income for a taxable monthly period is five hundred dollars, or more, no exemption or deductions from the gross operating revenue is allowed by this provision.

Exemptions.

SEC. 18. Section 40, chapter 180, Laws of 1935, as last amended by section 11, chapter 228, Laws of 1949, and RCW 82.16.050 are each amended to read as follows:

RCW 82.16.050 amended.

In computing tax there may be deducted from the gross income the following items:

Deductions in computing tax.

- (1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;
- (2) Amounts derived from the sale of commodities to persons in the same public service business

Public utility
tax—Deductions in
computing.

as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities to an export elevator, wharf, dock or ship side on tidewater or navigable

tributaries thereto, from points of origin in the state, and thereafter forwarded by water carrier, in their original form, to interstate or foreign destinations: *Provided*, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town.

SEC. 19. Section 2, chapter 144, Laws of 1943, as last amended by section 10, chapter 261, Laws of 1957, and RCW 82.44.020 are each amended to read as follows:...

RCW 82.44.020 amended.

An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle: *Provided*, That in no case shall the tax be less than one dollar: *Provided further*, That during the period of changeover to the staggered system of registration of those motor vehicles as defined in RCW 46.16.400 the excise tax may be computed and imposed for periods of less than one year sufficient to make the collection thereof coincide with the collection of license fees on such vehicles.

Basic tax imposed.

SEC. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

SEC. 21. 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, 1959.

Emergency, effective date.

Passed the House March 23, 1959.

Passed the Senate March 20, 1959.

Approved by the Governor March 30, 1959.

CHAPTER 4.

[H. B. 3.]

TRANSPORTATION ON PUGET SOUND—MOTOR VEHICLE FUND—STABILIZATION FUND—STUDY—APPROPRIATION.

AN ACT relating to transportation on Puget Sound; amending section 3, chapter 181, Laws of 1939, as last amended by section 3, chapter 271, Laws of 1957, and RCW 46.68.100; amending section 12, chapter 271, Laws of 1957 and RCW 47.65.110; extending the expiration date of chapter 271, Laws of 1957 (RCW 47.65.010 through 47.65.110) until June 30, 1961; and making an appropriation.

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

RCW 46.68.100 amended.

SECTION 1. Section 3, chapter 181, Laws of 1939, as last amended by section 3, chapter 271, Laws of 1957, and RCW 46.68.100 are each amended to read as follows:

Allocation of net tax amount in motor vehicle fund.

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

- (1) To the Puget Sound transportation stabilization fund sums equal to one-half of one percent of the net tax amount to be paid monthly as the same accrues: *Provided*, That the total amount shall not exceed five hundred thousand dollars;
- (2) To the cities and towns of the state sums equal to fifteen percent of the remainder of the net tax amount to be paid monthly as the same accrues;
- (3) To the counties of the state sums equal to forty-one and one-half percent of the remainder of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

SEC. 2. Section 12, chapter 271, Laws of 1957 and RCW 47.65.110 are each amended to read as follows:

RCW 47.65.110 amended.

Chapter 271, Laws of 1957 and RCW 47.65.010 through 47.65.110 shall expire on June 30, 1961.

Chapter expires June 30, 1961.

SEC. 3. There is appropriated from the Puget Sound transportation stabilization fund to the Washington toll bridge authority for the biennium beginning July 1, 1959, and ending June 30, 1961, the sum of five hundred thousand dollars or so much thereof as is necessary to carry out the provisions of chapter 47.65 RCW.

Appropriation.

Passed the House March 20, 1959.

Passed the Senate March 26, 1959.

Approved by the Governor March 30, 1959.

CHAPTER 5.

[S. B. 6.]

EXCISE TAXES—BUSINESS AND OCCUPATION, SALES, TOBACCO PRODUCTS.

AN ACT relating to revenue and taxation; amending section 5, chapter 389, Laws of 1955, as amended by section 1, chapter 3, Laws of 1959 extraordinary session (Engrossed House Bill No. 1) and RCW 82.04.040; amending section 48, chapter 389, Laws of 1955 as amended by section 4, chapter 3, Laws of 1959 extraordinary session (Engrossed House Bill No. 1) and RCW 82.04.280; amending section 6, chapter 389, Laws of 1955, as last amended by section 1, chapter 279, Laws of 1957, and RCW 82.04.050; amending section 23, chapter 197, Laws of 1959 and RCW 82.04.390; amending section 1, chapter 91, Laws of 1953, as last amended by section 5, chapter 279, Laws of 1957, and RCW 82.04.296; amending section 5, chapter 28, Laws of 1951, second extraordinary session, as last amended by section 4, chapter 279, Laws of 1957, and RCW 82.08.150; amending section 49, chapter 389, Laws of 1955 and RCW 82.04.290; amending section 47, chapter 389, Laws of 1955 and RCW 82.04.270; amending section 14, chapter 197, Laws of 1959 and RCW 82.04.300; adding new sections to chapter

180, Laws of 1935, and to Title 82 RCW; and declaring an emergency with the effective date April 1, 1959, except for sections 10 through 21, which shall take effect July 1, 1959.

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

RCW 82.04.040 amended.

SECTION 1. Section 5, chapter 389, Laws of 1955, as amended by section 1, chapter 3, Laws of 1959 extraordinary session (Engrossed House Bill No. 1) and RCW 82.04.040 are each amended to read as follows:

B & O tax. "Sale," "casual or isolated sale."

"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 RCW 82.04.050. It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any 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 also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.

"Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved.

RCW 82.04.050 amended.

SEC. 2. Section 6, chapter 389, Laws of 1955, as last amended by section 1, chapter 279, Laws of 1957, and RCW 82.04.050 are each amended to read as follows:

"Sale at retail," "retail sale."

"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 (a) purchases for the purpose of resale as tangible personal property in the regular course of business, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient

or component of such real or personal property, or (c) purchases 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 as 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. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) 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; (b) 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 excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing,

armored car service and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term shall not include the sale of or charge made for labor and services rendered in respect to 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.

RCW 82.04.270
amended.
Tax on
wholesalers,
distributors.

SEC. 3. Section 47, chapter 389, Laws of 1955 and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsection (1) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-quarter of one percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in

this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: *Provided*, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying one-quarter of one percent the value of the article so distributed as of the time of such distribution: *Provided*, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The tax commission shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: *Provided further*, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

SEC. 4. Section 48, chapter 389, Laws of 1955 as amended by section 4, chapter 3, Laws of 1959 extraordinary session (Engrossed House Bill No. 1) and RCW 82.04.280 are each amended to read as follows:

RCW 82.04.280
amended.

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used,

Tax on
printers,
publishers . . .
lessors of
real property.

or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) the renting or leasing of real property; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one percent.

RCW 82.04.290 amended.

SEC. 5. Section 49, chapter 389, Laws of 1955 and RCW 82.04.290 are each amended to read as follows:

Tax on other business or service activities.

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270 and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The additional tax imposed in RCW 82.04.296 shall not apply to persons or activities taxable under this section.

RCW 82.04.296 amended.

SEC. 6. Section 1, chapter 91, Laws of 1953, as last amended by section 5, chapter 279, Laws of 1957,

and RCW 82.04.296 are each amended to read as follows:

From and after the first day of May, 1955, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter, other than those activities taxed pursuant to RCW 82.04.260, an additional tax in the amount of sixty percent of the tax payable under this chapter: *Provided*, That from April 1, 1959 until July 1, 1961 the additional tax imposed under this section shall be in the amount of seventy-six percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

Additional
tax imposed.
Temporary
rate.

SEC. 7. Section 14, chapter 197, Laws of 1959 and RCW 82.04.300 are each amended to read as follows:

RCW 82.04.300
amended.

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270 and 82.04.280 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than three hundred dollars per month: *Provided*, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed three hundred dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Exemption
based on
monthly,
yearly gross.

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than thirty-six hundred dollars per year: *Pro-*

vided, That where one person engages in more than one business activity and the combined measures of tax applicable to such business equals or exceeds thirty-six hundred dollars, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: *Provided, further*, That the tax commission may allow exemptions, by general rule or regulation, in those instances in which quarterly, semi-annual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

RCW 82.04.390 amended.

SEC. 8. Section 23, chapter 197, Laws of 1959 and RCW 82.04.390 are each amended to read as follows:

Chapter not to apply to sale of real estate.

This chapter shall not apply to gross proceeds derived from the sale of real estate. This however, shall not be construed to allow a deduction of amounts received as commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial charges resulting from, or relating to, real estate transactions.

RCW 82.08.150 amended.

SEC. 9. Section 5, chapter 28, Laws of 1951, second extraordinary session, as last amended by section 4, chapter 279, Laws of 1957, and RCW 82.08.150 are each amended to read as follows:

Retail sales tax. Tax on certain sales of intoxicating liquors—Additional tax.

(1) There is levied and shall be collected from and after the first day of November, 1951, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04 RCW, any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits,

wine, or strong beer by the Washington state liquor stores and agencies, including sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04 RCW. The additional tax imposed in this paragraph shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, excluding sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph.

(3) The additional five percent tax enacted in subdivision (2) of this section shall not be levied upon or applied to sales of wine which have been subjected to the tax imposed by RCW 66.24.220.

(4) As used in this section, the terms "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

SEC. 10. There is added to chapter 180, Laws of 1935 and to Title 82 RCW 11 new sections to read as set forth in sections 11 through 21 of this act. New sections.

SEC. 11. As used in sections 11 through 21:

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such

Definitions.
"Tobacco
products."

manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in RCW 82.24.010 (4);

"Manufacturer."

(2) "Manufacturer" means a person who manufactures and sells tobacco products;

"Distributor."

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers;

"Subjobber."

(4) "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers;

"Retailer."

(5) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers;

"Sale."

(6) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of this act, or for any other purposes whatsoever.

"Wholesale sales price."

(7) "Wholesale sales price" means the established price for which a manufacturer sells a tobacco product to a distributor, exclusive of any discount or other reduction;

"Business."

(8) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state;

"Place of business."

(9) "Place of business" means any place where

tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine;

(10) "Retail outlet" means each place of business from which tobacco products are sold to consumers; "Retail outlet."

(11) "Commission" means the state tax commission. "Commission."

SEC. 12. (1) From and after July 1, 1959, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of twenty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers. Tax on tobacco products.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on the effective date of this amendatory act. Floor stocks tax on tobacco.

Each distributor, within twenty days after the effective date of this amendatory act shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on the effective date of this amendatory act and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after the effective date of this amendatory act and thereafter shall bear interest at the rate of one percent per month.

SEC. 13. It is the intent and purpose of this amendatory act to levy a tax on all tobacco products Purpose.

sold, used, consumed, handled, or distributed within this state and to collect the tax from the distributor as defined in section 11. It is the further intent and purpose of this amendatory act to impose the tax only once but nothing in this amendatory act shall be construed to exempt any person taxable under any other law or under any other tax imposed under Title 82 RCW.

Exemption.

SEC. 14. The tax imposed by section 12 shall not apply with respect to any tobacco products which under the constitution and laws of the United States may not be made the subject of taxation by this state.

Distributor, subjobber, certificate of registration.

SEC. 15. From and after the effective date of this amendatory act no person shall engage in the business of a distributor or subjobber of tobacco products at any place of business without first having received from the commission a certificate of registration as provided in RCW 82.32.030.

Distributor to keep records —Right of inspection.

SEC. 16. Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers, the inventory of all tobacco products on hand on the effective date of this amendatory act, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those

sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the commission, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours the commission, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this amendatory act, and the tobacco products contained therein, to determine whether or not all the provisions of this amendatory act are being fully complied with. If the commission, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate of the distributor at such premises shall be subject to revocation by the commission.

SEC. 17. Every person who sells tobacco products to persons other than the ultimate consumer shall render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale, and all prices and discounts. He shall preserve legible copies of all such invoices for five years from the date of sale.

Reports when
sales to
retailers.

SEC. 18. Every retailer and subjobber shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The retailer and subjobber shall preserve a legible copy of each such invoice for five years from the date of purchase. Invoices shall be available for inspec-

Retailers,
subjobbers,
reports of
purchases.

tion by the commission or its authorized agents or employees at the retailer's or subjobber's place of business.

Public ware-
house reports.

SEC. 19. Records of all deliveries or shipments of tobacco products from any public warehouse of first destination in this state shall be kept by the warehouse and be available to the commission for inspection. They shall show the name and address of the consignee, the date, the quantity of tobacco products delivered, and such other information as the commission may require. These records shall be preserved for five years from the date of delivery of the tobacco products.

Distributor
returns as in
RCW 82.04.490.

SEC. 20. Every distributor shall report and make returns as provided in RCW 82.04.490 and as it may be amended. Every registered distributor outside of this state shall in like manner report and make returns.

Credit on taxes
by commission.

SEC. 21. Where tobacco products upon which the tax imposed by this amendatory act has been reported and paid, are shipped or transported by the distributor to retailers without the state, to be sold by those retailers, or are returned to the manufacturer by the distributor or destroyed by the distributor, credit of such tax may be made to the distributor in accordance with regulations prescribed by the commission.

Severability.

SEC. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Emergency,
effective date.

SEC. 23. 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,

1959 except sections 10 through 21, which shall take effect July 1, 1959.

Passed the Senate March 26, 1959.

Passed the House March 26, 1959.

Approved by the Governor March 30, 1959.

CHAPTER 6.

[S. B. 4.]

EXCISE TAXES—REAL ESTATE.

AN ACT relating to the support of the common schools; and amending section 1, chapter 16, Laws of 1951 second extraordinary session and RCW 28.45.110.

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

SECTION 1. Section 1, chapter 16, Laws of 1951 second extraordinary session and RCW 28.45.110 are each amended to read as follows:

RCW 28.45.110
amended.

If the excise tax herein authorized shall be levied in any county for a period of twelve or any lesser number of months and it shall appear upon the first day of May of any year that such tax has not produced seventeen cents per day's attendance credit or such proportion thereof as such lesser number of months, or major fraction thereof, during which the tax was levied, bears to twelve, the deficit shall be certified by the board of county commissioners to the state superintendent of public instruction as a charge against the state general fund for the schools of such county. The sum so certified shall be paid to the county treasurer from the state general fund and allotted to the school districts in the same manner as other money is distributed from the county school fund: *Provided*, That whenever in the judgment of the county superintendent of schools and the county treasurer

Deficiency
after tax,
made up from
equalization
fund—Esti-
mated deficit.

Deficiency
made up from
equalization
fund—Esti-
mated deficit.

of any county it becomes evident that the proceeds of the aforesaid excise tax levied in such county during any fiscal year will not equal the amount per day of attendance credit hereinbefore specified, the aforesaid county officers shall prepare and submit an estimate of such deficit to the superintendent of public instruction who is hereby authorized to allot from the state general fund to the county treasurer of such county for apportionment to the school districts thereof an amount deemed by the aforesaid state officer to be required to pay such deficit: *Provided*, That the state superintendent of public instruction may pay such estimated deficit on a monthly basis in the same manner as other state funds are apportioned: *Provided further*, That in the event the aforesaid allotments for any one year beginning the first day of May and ending the last day of April of the next succeeding year should exceed the deficit which the county commissioners are required by this section to certify to the state superintendent of public instruction, the amount of such excess shall be deducted from subsequent allotments made to the treasurer by the superintendent of public instruction from the state general fund.

Passed the Senate March 24, 1959.

Passed the House March 25, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 7.

[S. B. 30.]

PACIFIC MARINE FISHERIES COMPACT.

AN ACT relating to The Pacific Marine Fisheries Compact; and amending section 75.40.030, chapter 12, Laws of 1955 and RCW 75.40.030.

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

SECTION 1. Section 75.40.030, chapter 12, Laws of 1955 and RCW 75.40.030 are each amended to read as follows:

RCW 75.40.030 amended.

Should congress, by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact, recommended by the Interstate Committee on Offshore Fisheries of the Western Regional Legislative Conference of the Council of State Governments, after the enactment of this compact by two or more of the states of California, Oregon and Washington, then, and in that event, there shall exist between the contracting states a definite compact and agreement, the purport of which shall be substantially as follows:

Pacific Marine Fisheries Compact—Provisions.

THE PACIFIC MARINE FISHERIES COMPACT.

The contracting states do hereby agree as follows:

ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington

Pacific Marine
Fisheries Com-
pact—Pro-
visions.

jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever two or more of the states of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing states and the congress has given its consent.

ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designed as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be pres-

ent and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto,

Pacific Marine
Fisheries Com-
pact—Pro-
visions.

present to the governor of such states its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

ARTICLE V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI.

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by

the commisison in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

ARTICLE VII.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

The states agree to make funds available annually to the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five year average): *Provided*, No state shall contribute less than two thousand dollars per annum and the annual contribution of each state above

Pacific Marine Fisheries Compact—Provisions.

the minimum shall be figured to the nearest one hundred dollars.

The states agree to make available annual funds in the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five year catch records. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS.

California	\$11,000
Oregon	2,000
Washington	2,000
	<hr/>
Total	\$15,000

ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

ARTICLE XII.

The states of Alaska or Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of The Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to

all waters of the newly admitted state necessary to develop such programs.

This article shall become effective upon its enactment by the states of California, Oregon and Washington and upon ratification by congress, by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United States.

Passed the Senate March 26, 1959.

Passed the House March 26, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 8.

[H. B. 30.]

PUBLIC SCHOOL PLANT FACILITIES—FINANCING.

AN ACT relating to education; providing funds for the construction of public school plant facilities; authorizing the issuance and sale of limited obligation bonds of the state and providing ways and means to pay said bonds; continuing the imposition of taxes; prescribing the powers and duties of certain officers; making an appropriation; and declaring an emergency.

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

Section 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities, there shall be issued and sold, at any time prior to April 1, 1963, limited obligation bonds of the state of Washington in the sum of thirty-four million dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

Bonds
authorized.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds;

the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of cigarette taxes as in this act provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Disposition
of proceeds
from bonds.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of this act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Fund created
—Cigarette
tax receipts
deposited in.

SEC. 3. The public school building bond redemption fund of 1959 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The

state treasurer shall thereupon deposit such amount in the public school building bond redemption fund of 1959 from the receipts from the taxes on cigarettes imposed by RCW 82.24.020, RCW 73.32.130, and RCW 28.47.440. The amount certified to the state treasurer by the state finance committee as aforesaid shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all cigarette tax revenues.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

Additional means for paying bonds authorized.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Bonds negotiable—As investment, security.

SEC. 6. For the purpose of carrying out the provisions of this act there is hereby appropriated to the state board of education from the public school building construction account of the general fund the sum of thirty-four million dollars or so much thereof as may be necessary: *Provided*, That no part of the aforesaid thirty-four million dollars shall be allotted to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation plus such further

Appropriation—Allocation of funds.

amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Board duties in allocation of funds.

SEC. 7. In allotting the state funds provided by this act, the state board of education shall:

(1) Prescribe rules and regulations governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Procedure to determine amount of aid.

SEC. 8. Allocations to school districts of state funds provided by this act shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equip-

ment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: *Provided*, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state board of education shall compute the ratio of the assessed valuation of the district, adjusted in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs, to the maximum number of educational units allowable to the district under state board of education regulations governing apportionment of current state school funds: *Provided*, That this number of units may be increased by the state board of education for the use thereof specified in this act, upon the finding of said board that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the adjusted valuation of the district to the number of educational units thereof, computed in the manner hereinabove provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

<i>Ratio of adjusted valuation to number of educational units</i>	<i>Percentage of state assistance</i>
\$10,520 or less to 1.....	90.0%
15,000 to 1.....	86.0
20,000 to 1.....	81.8
25,000 to 1.....	77.7
28,570 to 1.....	75.0
30,000 to 1.....	73.9
35,000 to 1.....	70.2
40,000 to 1.....	66.7

Procedure to
determine
amount of
aid.

45,000 to 1.....	63.3
50,000 to 1.....	60.0
55,000 to 1.....	56.9
60,000 to 1.....	53.8
65,000 to 1.....	50.9
70,000 to 1.....	48.1
75,000 to 1.....	45.5
80,000 to 1.....	42.9
85,000 to 1.....	40.4
90,000 to 1.....	37.9
95,000 to 1.....	35.6
100,000 to 1.....	33.3
105,000 to 1.....	31.1
110,000 to 1.....	29.0
115,000 to 1.....	27.0
120,000 to 1.....	25.0
130,000 to 1.....	21.2
140,000 to 1.....	17.6
150,000 to 1.....	14.3
160,000 to 1.....	11.1
170,000 to 1.....	8.1
180,000 to 1.....	5.3
190,000 to 1.....	2.6
200,000 to 1.....

: *Provided*, That in the event the percentage of state assistance to any school district based on the above table is less than twenty percent and such school district is otherwise eligible for state assistance under this act, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(4) The approved cost of the project determined in the manner herein prescribed times the percen-

tage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: *Provided*, That need therefor has been established to the satisfaction of the state board of education: *Provided, further*, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1959, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

SEC. 9. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of section 6 of this act respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school

Eligibility
for allocation,
factors in.

facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: *Provided*, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: *Provided further*, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering RCW 28.56 to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Additional
allotment
when housing
emergency—
Reimburse-
ment.

SEC. 10. If a school district which has qualified for an allotment of state funds under the provisions of this act for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under section 8 of this act, an additional allotment may be made to such district: *Provided*, That the total amount allotted shall not exceed ninety percent of

the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

SEC. 11. In determining the eligibility of a union high school district for state assistance in providing high school facilities and facilities for the operation of thirteenth and fourteenth year programs authorized by RCW 28.84.120 through 28.84.150, the requirements of this act respecting the amount of funds to be provided by a school district in order to qualify for an allotment of state funds shall be deemed to have been met if the total amount of funds provided by the union high school district and by the elementary school district components thereof for school building construction purposes is equivalent to ten percent of the taxable valuation of the union high school district plus such further amount as may be required by the state board of education: *Provided*, That nothing herein shall relieve any such school district from compliance with the provisions of section 10 of this act. For the purpose of providing funds for financing the construction and equipment of facilities of the type hereinbefore designated the board of directors of the union high school district and the board of directors of each elementary school district component thereof may submit to the voters of the district a proposal

Determining
eligibility of
union high
school district.

or proposals for providing capital funds through the issuance of bonds or through authorization of an excess tax levy. The proceeds of any such bond issue or excess tax levy shall be credited to the building fund of the union high school district and shall be expended to pay the cost of constructing and equipping facilities of the type aforesaid and not otherwise.

An elementary school district component of a union high school district shall be deemed to have met the requirements of this act, if such elementary school district has provided funds for financing the estimate of both union high school district and elementary school district construction facilities in an amount equivalent to ten percent of its taxable valuation plus such further amount as may be required by the state board of education.

Applications
for assistance
—Investiga-
tion of.

SEC. 12. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education. Studies and surveys shall be conducted by the state board for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Guidance
material to be
furnished
districts.

SEC. 13. It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the

designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in this act; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of this act.

SEC. 14. The state board of education shall furnish to school districts seeking state assistance under the provisions of this act consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Advisory
service
provided.

SEC. 15. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which

Standard
construction
plans author-
ized.

state assistance funds provided by this act are allotted.

Severability.

SEC. 16. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such act shall not affect or impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase 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 have nevertheless been enacted with such portions eliminated.

Emergency.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the House March 21, 1959.

Passed the Senate March 24, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 9.

[H. B. 35.]

CAPITAL IMPROVEMENT PROJECTS—FINANCING.

AN ACT providing for the financing of capital improvement projects from the proceeds of a bond issue repayable from a portion of the retail sales tax and such additional means as the legislature may provide.

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

Limited obligation bonds authorized.

SECTION 1. For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of

Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in this act provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1959, and for payment of the expense in-

**Disposition
of proceeds
from sale
of bonds.**

curred in the printing, issuance, and sale of such bonds.

Retirement of
bonds and
interest
thereon.

SEC. 3. Retirement of the bonds and interest authorized by this act shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in this act, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under this act shall have been paid.

Additional
means of
payment
authorized.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by

this act and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Bonds negotiable—As investment and security.

Passed the House March 27, 1959.

Passed the Senate March 27, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 10.

[H. B. 53.]

LEGISLATIVE INTERIM COMMITTEES—WORLD'S FAIR COMMISSION—PAYMENT IN LIEU OF PER DIEM.

AN ACT relating to state government; and regulating the pay of senators and representatives on interim or permanent legislative committee or council or the World's Fair Commission duties.

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

SECTION 1. Each member of the senate or house of representatives serving on the legislative council, the legislative budget committee, or any other permanent or interim committee or council of the legislature, or the World's Fair Commission shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in business of the committee, notwithstanding any laws to the con-

Pay, mileage, authorized.

rary, twenty dollars per day, plus mileage allowance at the rate of ten cents per mile when authorized by the committee or council of which he is a member and on the business of which he is engaged.

Passed the House March 27, 1959.

Passed the Senate March 27, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 11.

[Sub. S. B. 21.]

SUPPLEMENTAL BUDGET AND APPROPRIATIONS.

AN ACT adopting the supplemental budget and making appropriations for miscellaneous purposes, and declaring an emergency.

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

Supplemental appropriations.

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the fiscal biennium beginning July 1, 1959 and ending June 30, 1961, except as otherwise provided.

STATE EMPLOYEES' RETIREMENT SYSTEM

For— State employees' retirement system.

General Fund Appropriation for employer's contribution on behalf of:

GLADYS EMMA THOMAS for September 1951	\$15.21
JAMES GIBBESON for May and June 1957	\$27.62
KARLA HANSEN for June 1957.....	\$11.26
ELMER J. NELSON for April 1949 through September 1949.....	\$151.74
IDA M. WHISTLER for July 1954 to January 1957.....	\$80.50
NADINE F. BROOKS for March 1957 to June 1957, incl.....	\$42.54
MURIEL JASMER for June 1957.....	\$10.53

LEANNE MANDERY for services during 1950, 1951, 1952 and 1953	\$28.24
FERN DZURISON for February to June 1957, incl.....	\$57.26
FLORENCE YEOMAN for April 1949 to April 1953, incl.....	\$447.21
LOUISE HOLLINGSWORTH for October 1951	\$9.71
ANDY HESS for January 1, 1951 through December 31, 1954.....	\$252.39
CLYDE J. MILLER for April 1949 through February 1951.....	\$120.55
ELMER JOHNSTON for April 1949 to February 1951.....	\$120.55
CHAS. L. JOHNSON for January 1955 to April 1955.....	\$181.02
NAT W. WASHINGTON for June 1950 to December 1950.....	\$36.47
HOWARD BARGREEN for April 1949 to December 1951.....	\$110.13
MARSHALL A. NEILL for April 1949 to December 1952.....	\$235.17
AUGUST MARDESICH for January 1951 to December 1954.....	\$252.39
MAX WEDEKIND for April 1947 to February 1951.....	\$120.55
Employees of State Land Commissioner for June 1955.....	\$857.14
CLARENCE S. MCKAY for June 1949 to November 1949, incl.....	\$106.74
VICTOR A. MEYERS for January 1953	\$11.10
MATTHEW KAST for January 1951 to June 1957.....	\$845.76
NAT W. WASHINGTON for January 1951 to June 1957.....	\$411.72
DAVID C. COWEN for April 1949 to February 1951.....	\$120.55
HOWARD BARGREEN for January 1951 and February 1951.....	\$10.42
ALBERT D. ROSELLINI for April 1941 to February 1951.....	\$120.55
B. J. DAHL for April 1949 to December 1950	\$110.13
VIRGINIA DUERR for April 1957.....	\$12.71
ELNORA O'DONNELL for October 1956	\$12.21
ELNORA O'DONNELL for November 1956	\$12.21

Supplemental appropriations. For— State employees' retirement system.

BARBARA CALKINS for June 1956	\$1.96
PAUL CHRISTIANSEN for July 1955	\$4.08
VIRGINIA DUERR for June 1957.....	\$13.26
KATHERINE DUNCAN for September 1955	\$12.71
JOANNE SAUNDERS for September 1956	\$12.71
VIRGINIA DUERR for May 1957.....	\$13.26
PERRY B. WOODALL for April 1, 1948 through February 1951.....	\$120.55
MICHAEL J. GALLAGHER for April 1949 through February 1951	\$120.55
PATRICK D. SUTHERLAND for April 1, 1949 through December 1954	\$362.52

JUDGMENTS

General Fund Appropriation for judgments as follows:

Charles M. Stokes.	CHARLES M. STOKES (State of Washington vs. Morris Wooten, King County No. 26746)	\$274.00
Howard F. Frye.	HOWARD F. FRYE (State of Washington vs. Richard Daniel Tembruell, King County No. 284526)	\$314.00
Rudy Schulze.	RUDY SCHULZE (State of Washington vs. Rudy Schulze, Clallam County No. 2263).....	\$653.43
Mervin G. Wallis.	MERVIN G. WALLIS (State of Washington vs. Mervin G. Wallis, Spokane County No. 33820)	\$330.20

LOCAL IMPROVEMENT ASSESSMENTS

General Fund Appropriation for local improvement assessments as follows:

City of Olympia.	TREASURER, CITY OF OLYMPIA, Local Improvement District No. 570	\$6,673.18	
	Interest	600.58	
	Total	<u>7,273.76</u>	\$7,273.76

LAWS, EXTRAORDINARY SESSION, 1959

[Ch. 11.]

TREASURER, CITY OF PULLMAN, Local Improvement District No. 105	\$6,170.87	For— City of Pullman.
Interest	524.53	
Total	<hr/>	\$6,695.40
TREASURER, COWLITZ COUNTY, Consolidated Diking District No. 1		Cowlitz County.
		\$12.96
TREASURER, GRAYS HARBOR COUNTY, Drainage District No. 1		Grays Harbor County.
		\$4.36
TREASURER, THURSTON COUNTY, Drainage District No. 3.....		Thurston County.
		\$6.44
TREASURER, CITY OF PUYALLUP, Local Improvement District No. 57-1	\$1,204.25	City of Puyallup.
Interest	42.15	
Total	<hr/>	\$1,246.40
TREASURER, CITY OF PULLMAN, Local Improvement District No. 108		City of Pullman.
		\$33,245.17
TREASURER, COWLITZ COUNTY, Consolidated Diking District No. 1		Cowlitz County.
		\$152.96
TREASURER, ISLAND COUNTY, Island County Weed District.....		Island County.
		\$24.32
TREASURER, OKANOGAN COUNTY, Brewster Flat Irrigation Dis- trict		Okanogan County.
		\$6,286.86
TREASURER, YAKIMA COUNTY, Roza Irrigation District.....	\$1,238.21	Yakima County.
Interest	35.56	
Total	<hr/>	\$1,273.77
TREASURER, ADAMS COUNTY, East Columbia Basin Irriga- tion District		Adams County.
		\$2,384.65
TREASURER, PIERCE COUNTY, Drainage District No. 14.....		Pierce County.
		\$13.92
TREASURER, ISLAND COUNTY, Is- land County Weed District.....		Island County.
		\$12.25
TREASURER, CLARK COUNTY, Drainage District No. 5.....		Clark County.
		\$120.00
TREASURER, JEFFERSON COUNTY, Drainage District No. 1.....		Jefferson County.
		\$11.12
TREASURER, WHATCOM COUNTY, Drainage Improvement Dis- trict No. 1.....		Whatcom County.
		\$11.55

Supplemental appropriations. For—	General Fund—Park and Parkways Account Appropriation for local improvement assessments as follows:	
Thurston County.	TREASURER, THURSTON COUNTY, Hopkins Drainage Ditch.....	\$70.00
Yakima County.	TREASURER, YAKIMA COUNTY, Dike Improvement District No. 1	\$43.61

REFUNDS.

General Fund Appropriation for refunds as follows:		
John A. Gose.	JOHN A. GOSE, ADMINISTRATOR OF ESTATE OF J. S. SHORE, Deceased, refund of monies escheated to Permanent School Fund	\$3,161.08
Elsie Wanless.	ELSIE WANLESS, refund of monies escheated to Permanent School Fund.....	\$285.00
Art Garton.	ART GARTON, ADMINISTRATOR OF ESTATE OF JOHN BURKHART, Deceased, refund of bank dividends escheated to state.....	\$7.69
Herbert Butler.	HERBERT BUTLER, EXECUTOR OF ESTATE OF L. F. GALVIN, Deceased, refund of bank dividends escheated to state.....	\$9.80
John D. Allen.	JOHN D. ALLEN, refund of dividends escheated to Permanent School Fund.....	\$6.86
Prentis Frazier.	PRENTIS FRAZIER, refund of bond (State of Washington vs. Tom Hall, King County No. 26753)	\$1,727.70
Isaacson Iron Works.	ISAACSON IRON WORKS, refund of rental payment on tideland lease No. 2038.....	\$1,395.50
Motor Vehicle Fund Appropriation for refunds as follows:		
Ted Harmer.	TED HARMER, refund of liquid fuel tax on accidental loss of 9,665 gallons of gasoline.....	\$628.23
Pacific Intermountain Express.	PACIFIC INTERMOUNTAIN EXPRESS, refund of tax on 5,443 gallons of contaminated gasoline	\$353.80

SUNDRY CLAIMS.

For—

General Fund Appropriation for relief of various individuals, firms and corporations for sundry reasons as follows:		
MILES P. GILBERT, compensation for overtime work performed in 1955.....	\$22.08	Miles P. Gilbert.
J. J. WONDERS, payment in full for accordion lost at Eastern State Hospital in 1952.....	\$30.00	J. J. Wonders.
TREASURER, City of Spokane, damage to airfield runway light by National Guard aircraft	\$186.20	City of Spokane.
CHAS. H. JONES, Trustee, reimbursement to Northern State Hospital revolving fund on account of payment for salaries and wages applicable to previous biennium.....	\$49.65	Chas. H. Jones.
TREASURER, SPOKANE COUNTY, interest on illegal payments under chapter 253, Laws of 1955 as provided by chapter 6, Laws of 1957.....	\$7,618.58	Spokane County.
TREASURER, SKAMANIA COUNTY, interest on illegal payments under chapter 253, Laws of 1955 as provided by chapter 6, Laws of 1957.....	\$272.99	Skamania County.
TREASURER, WHATCOM COUNTY, interest on illegal payments under chapter 253, Laws of 1955 as provided by chapter 6, Laws of 1957.....	\$156.78	Whatcom County.
BLOOMQUIST LOGGING COMPANY, reimbursement for fire fighting expenses.....	\$1,192.60	Bloomquist Logging Company.
GLENN ANDERSON, in full settlement of claim for damages by being shot in head during prison riot August 20, 1953 resulting in loss of senses of taste, smell and sight	\$25,000.00	Glenn Anderson.
PETTJOHN ENGINEERING COMPANY, reimbursement for surety bond for issuance of duplicate of lost warrant.....	\$253.00	Pettijohn Engineering Company.

Supplemental appropriations. For— Charles Satiacum.	CHARLES SATIACUM , damages to fishing net alleged to have been caused by officers of Department of Fisheries.....	\$49.22
E. E. Skinner.	E. E. SKINNER , balance of costs of erection of water supply line at Rainier School.....	\$6,156.84
Employees' Retirement Board.	EMPLOYEES' RETIREMENT BOARD , employer contribution on behalf of Frank Burgess for period May 1949 to October 1949	\$50.77
	Motor Vehicle Fund Appropriation for relief of the following individuals:	
Stanley W. Hamar, Fred J. Harmon, and wives.	STANLEY W. HAMAR and WIFE and FRED J. HARMON and WIFE , in full settlement of damages resulting from the raising of traffic barrier prior to seating of the bridge mechanism allowing claimants to drive upon the bridge and strike the unseated portion thereof.....	\$5,000.00
	Medical Aid Fund Appropriation:	
Arthur Borchner.	ARTHUR BORCHER , additional salary due for services during the 1953-55 biennium, per Attorney General's Opinion	\$5,975.00
	Game Fund Appropriation for relief of the following individuals and companies:	
R. W. O'Toole.	R. W. O'TOOLE , for loss of two dogs by poison.....	\$250.00
Harlan F. Seachris.	HARLAN F. SEACHRIS , for loss of poisoned pigs and dog.....	\$40.00
Thomas W. Spencer.	THOMAS W. SPENCER , for loss of poisoned dogs.....	\$125.00
West Coast Telephone Company.	WEST COAST TELEPHONE COMPANY , services furnished to Department of Game in 1956	\$34.30
Eugene V. Williams.	EUGENE V. WILLIAMS , damage for loss of fish by poison.....	\$1,000.00
Elvis Eaton.	ELVIS EATON , full settlement for game damage occurring prior to March 1, 1959.....	\$1,000.00

STANLEY ANDERSON, game damage	\$328.03	For— Stanley Anderson.
PAUL SCHUERMAN, loss of three pigs and ten prune trees.....	\$200.00	Paul Schuerman.
Contingent Receipts Fund Ap- propriation:		
VARIOUS COUNTIES, to replace warrants cancelled by stat- ute of limitations.....	\$1,020.94	Various counties.
Motor Vehicle Fund Appropri- ation:		
PETE STEVE, damage to trailer by state highway men blast- ing near Pend Oreille Park.....	\$80.00	Pete Steve.

TRANSFERS

To Reimburse General Fund for Expenditures from Appro- priation for Belated Claims:		Transfers to General Fund.
GENERAL FUND—Capitol Build- ing Construction Account Appropriation	\$420.00	
GENERAL FUND — Commercial Feed Account Appropriation.....	\$98.95	
GENERAL FUND — Egg Account Appropriation	\$112.47	
GENERAL FUND — Fertilizer, Agriculture, Minerals and Limes Account Appropria- tion	\$17.47	
GENERAL FUND — Institutional Revolving Account Appro- priation	\$373.29	
GENERAL FUND — Nursery In- spection Account Appropria- tion	\$72.03	
GENERAL FUND — Parks and Parkways Account Appro- priation	\$55.00	
GENERAL FUND — Real Estate Commission Account Appropria- tion	\$3.29	
GENERAL FUND — Reclamation Revolving Account Appro- priation	\$1,309.13	
GENERAL FUND—Seed Account Appropriation	\$186.31	
ACCIDENT FUND Appropriation	\$31.00	

Supplemental appropriations For Transfers to General Fund.	CONTINGENT RECEIPTS FUND Appropriation	\$17.56
	GAME FUND Appropriation	\$5,045.73
	GRAIN AND HAY INSPECTION FUND Appropriation	\$358.03
	HIGHWAY SAFETY FUND Approp- riation	\$11,648.76
	MEDICAL AID FUND Appropria- tion	\$31.50
	MOTOR VEHICLE FUND Approp- riation	\$1,873.40
	PUBLIC SERVICE REVOLVING FUND Appropriation	\$103.20
	TEACHERS' RETIREMENT FUND Appropriation	\$70.00

VALIDATING APPROPRIATIONS

General Fund —Carry out 1957 c 136.	General Fund—Alcoholism Ac- count Appropriation: To validate expenditures for operation of Alcoholism Ac- count as established by chap- ter 136, Laws of 1957 for which no appropriation was provided	\$15,632.38
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BELATED CLAIMS

General Fund Appropriation for belated claims as follows:		
William R. Warner.	WILLIAM R. WARNER, terminal leave pay	\$121.68
Lawrence E. Stump.	LAWRENCE E. STUMP, terminal leave pay	\$54.08
Columbia Basin Commission.	COLUMBIA BASIN COMMISSION, payroll and travel expense for month of April, 1957.....	\$167.92
Capitol Body and Fender Works.	CAPITOL BODY AND FENDER WORKS, repairs to state owned pickup truck fur- nished to State Capitol Com- mittee in November, 1954.....	\$108.83
Mills & Mills Funeral Home.	MILLS & MILLS FUNERAL HOME, funeral service for public as- sistance recipient; payment of which was delayed await- ing the clearing up of legal matters	\$255.00

BOOTH-ASHMORE MORTUARY, funeral service for public assistance recipient	\$171.60	For—Booth-Ashmore Mortuary.
TAYLOR NURSING HOME, payment for nursing home care for welfare recipient.....	\$352.00	Taylor Nursing Home.
ROBERT WARMUTH, claim against former superintendent of Green Hill School for unpaid grocery bill. Statute provides superintendent with provisions independent of state commissary.....	\$480.77	Robert Warmuth.
General Fund—Parks and Parkway Account:		
BETTY I. YATES, termination pay and travel expense for June 1956	\$193.05	Betty I. Yates

PAYMENT OF COSTS

Motor Vehicle Fund Appropriation for payment of costs as follows:		
LEWIS A. BELL, costs incurred prior to two condemnation suits on same land when state did not proceed with trial	\$400.00	Lewis A. Bell.
Motor Vehicle Excise Fund Appropriation for payment of costs as follows:		
WASHINGTON PUBLIC SERVICE COMMISSION, costs incurred in collecting Motor Vehicle Excise tax for period January 1, 1957 to December 31, 1958, under provisions of chapter 152, Laws of 1945.....	\$2,093.10	Washington Public Service Commission.

STATE LEGISLATURE

General Fund Appropriation:		
Joint Senate and House Expenses — Employers' contribution to OASI and State Employees' Retirement System	\$13,610.00	Senate, House expenses.
Printing, indexing, binding and editing session laws,		

Supplemental appropriations. For—Senate, House expenses.

Senate and House Journals and other printing, and binding public documents.....	\$93,000.00
Printing, binding and mailing of the pamphlet edition, 1959	
Session Laws	\$22,300.00
Interim Fisheries Committee.....	\$4,000.00
Interim Committee on Legislative Building Modernization	\$1,000.00
Joint Interim Committee on Education	\$25,000.00
Legislative Council	\$15,000.00
Game Fund Appropriation:	
Interim Committee on Game and Game Fish.....	\$5,000.00

Secretary of State.

SECRETARY OF STATE

General Fund Appropriation:	
To carry out provisions of House Bill 599.....	\$37,500.00
For printing 1960 editions, general election law pamphlets, precinct election officers' guide books and registration manuals	\$12,500.00

State College of Washington.

STATE COLLEGE OF WASHINGTON

General Fund Appropriation to purchase land in vicinity of Prosser Agriculture Irrigation Experiment Station for pear and other research provided that this item may be expended commencing with the effective date of this act.....	\$11,700.00
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Department of Conservation.

DEPARTMENT OF CONSERVATION

General Fund Appropriation for the studies of iron ore, oil, gas and other mineral resources in the state. The director is authorized to cooperate with federal agencies on a matching fund basis for any portion of these studies and surveys.....	\$63,000.00
General Fund Appropriation for the prevention and correction of soil erosion along shores	

and beaches in the vicinity of Toke's Point, said money to be expended by the department in cooperation with municipal corporations located in said vicinity provided that no more than fifty percent of the costs of any project be paid from state funds	\$50,000.00	For—
COLUMBIA RIVER INTERSTATE COMPACT COMMISSION		Columbia River Interstate Compact Commission.
General Fund Appropriation.....	\$17,000.00	
DEPARTMENT OF GENERAL ADMINISTRATION		Department of General Administration.
General Fund Appropriation for refurbishing legislative committee rooms	\$10,000.00	
PERMANENT STATUTE LAW COMMITTEE		Permanent Statute Law Committee.
General Fund Appropriation: To carry out provisions of Senate Bill 257.....	\$20,175.00	
STATE CAPITOL COMMITTEE		State Capitol Committee.
General Fund—Capitol Building Construction Account Appropriation to make necessary repairs to the exterior of the capitol buildings, improvements to the legislative building ventilating system, and other improvements and repairs deemed necessary by the State Capitol Committee.....	\$150,000.00	
DEPARTMENT OF HEALTH		Department of Health.
General Fund Appropriation to carry out provisions of House Bill 638	\$18,000.00	
BOARD OF PRISON TERMS AND PAROLES		Board of Prison Terms and Paroles.
General Fund Appropriation to carry out provisions of Senate Bill 2.....	\$50,000.00	
SOLDIERS' HOME AND COLONY		Soldiers' Home and Colony.
General Fund Appropriation to carry out provisions of Senate Bill 372.....	\$10,000.00	

Supplemental appropriations.
For—
Washington State Reformatory.

WASHINGTON STATE REFORMATORY

Motor Vehicle Fund Appropriation for compensation for land and improvements taken for the construction of State Highway No. 15, to be used for construction and equipping of housing at said institution..... \$18,000.00

Department of Institutions.

DEPARTMENT OF INSTITUTIONS

General Fund—Probation Service Account Appropriation to carry out provisions of House Bill 97 \$25,000.00

Department of Licenses.

DEPARTMENT OF LICENSES

General Fund Appropriation:
To carry out provisions of Substitute Senate Bill 109..... \$17,000.00
For payment to members of the Examining Board of Psychology at the rate of 20 dollars for each day or portion thereof in which such member is actually engaged in the business and duties of the board, and for payment of members' necessary expenses incurred in attending meetings and performing other business of the board, provided that such expenses shall not exceed per diem rates as provided by law \$1,200.00
To carry out provisions of Substitute Senate Bill 52..... \$40,000.00
GENERAL FUND—Sanitarian's Licensing Account Appropriation to carry out provisions of Substitute Senate Bill 130..... \$3,700.00
GENERAL FUND—Professional Engineers Account Appropriation to carry out provisions of Senate Bill 127..... \$17,000.00
GENERAL FUND — Architects License Account Appropriation, to carry out the provisions of Substitute House Bill 227..... \$18,500.00

Motor Vehicle Fund Appropriation:		For— Department of Licenses.
To carry out provisions of House Bill No. 640 (Monthly License tabs)	\$6,100.00	
To carry out provisions of House Bill 169.....	\$10,000.00	
BOARD AGAINST DISCRIMINATION		
General Fund Appropriation to carry out provisions of House Bill 171	\$9,000.00	Board Against Discrimina- tion.
VETERANS' REHABILITATION COUNCIL		
General Fund Appropriation.....	\$100,000.00	Veterans' Rehabilitation Council.
BOND RETIREMENT AND INTEREST		
Public School Building Bond Re- demption Fund of 1959 Ap- propriation	\$3,485,000.00	Bond retire- ment, interest.
General Administration Bond Re- tirement Fund Appropriation.....	\$385,500.00	
State Building Construction Bond Redemption Fund Appropria- tion	\$4,258,158.00	
DEPARTMENT OF LABOR AND INDUSTRIES		
Medical Aid Fund Appropria- tion for additional adminis- trative costs resulting from the provisions of House Bill 139	\$41,360.00	Department of Labor and Industries.
General Fund Appropriation to carry out increased program resulting from Substitute Sen- ate Bill 424, Minimum Wage and Hour Act.....	\$25,000.00	
DEPARTMENT OF AGRICULTURE		
General Fund Appropriation for predatory animal control.....	\$30,000.00	Department of Agriculture.
SUPERINTENDENT OF PUBLIC INSTRUCTION		
General Fund Appropriation to be apportioned by the super- intendent of public instruc- tion to counties for the benefit of certain school districts lo- cated therein in conformity with standards adopted by		Superinten- dent of Public Instruction.

Supplemental appropriations. For— Superintendent of Public Instruction.

the state board of education acting under the provisions of RCW 28.41.080 and 28.41.090 and acts amendatory or supplemental thereto pertaining to establishment by the state board of minimum standards governing the maintenance and operation of the common schools and a schedule of minimum funds required by school districts to enable them to meet the aforesaid standards; apportionment to be made to the school districts affected at the rate of fifty-four dollars per pupil for any increase in school enrollment in excess of five percent between October 1, 1957, and October 1, 1958: *Provided*, That allocations under this act may be made only to those school districts which receive allocations of state aid under the provisions of RCW 28.41-.080: *Provided, further*, That a school district shall not be entitled to funds from this appropriation unless it has, prior to July 1st, 1960, authorized a tax levy for maintenance and operation in excess of the tax levy limitations prescribed for school districts by RCW 84.52-.050: *Provided, further*, That school districts receiving apportionments under the provisions of House Bill No. 384 of the thirty-sixth regular session shall not be entitled to apportionment hereunder \$176,676.00

Governor.

SPECIAL APPROPRIATION TO THE GOVERNOR

General Fund Appropriation:

Governor's emergency, to be allocated to various agencies for salaries, wages, operations, for the carrying on of

the necessary work of any agency for which insufficient appropriation has been made	\$1,500,000.00	For— Governor.
For salary adjustments to be allotted to the agencies to implement the salary survey findings adopted by the State Personnel Board in July, 1958, provided that the survey findings shall be fully implemented in the lower and middle salary ranges, and shall be partially implemented in the higher salary ranges to the extent permitted by the funds appropriated, provided further, that this amount shall not be available for allotment before July 1, 1960.....	\$1,150,000.00	
DEPARTMENT OF NATURAL RESOURCES		Department of Natural Resources.
General Fund Appropriation, for construction of toll bridge and Clearwater Forest access road in sustained forest No. 1, provided that tolls received on the above be paid into the general fund	\$300,000.00	
PARKS AND RECREATION COMMISSION		Parks and Recreation Commission.
Parks and Parkways Account Re-appropriation, for the purchase and development of new park area in the vicinity of Ocean City	\$67,000.00	
DEPARTMENT OF FISHERIES		Department of Fisheries.
General Fund Appropriation.....	\$150,000.00	
TAX COMMISSION		Tax Commission.
General Fund Appropriation, to carry out provisions of Senate Bill 6.....	\$100,000.00	
DEPARTMENT OF PUBLIC ASSISTANCE		Department of Public Assistance.
General Fund Appropriation: <i>Provided</i> , That \$6,000,000 shall be available for old age assis-		

Supplemental appropriations. For— Department of Public Assistance.

tance exclusive of burial costs and exclusive of nursing home and other medical care costs under the terms and provisions of Engrossed House Bill No. 2 of the 1959 extraordinary session, and \$492,500 shall be available for burial costs and other medical care costs under the terms and provisions of Engrossed House Bill No. 2 of the 1959 extraordinary session \$6,492,500.00

State Highway Commission.

STATE HIGHWAY COMMISSION

- (1) Motor Vehicle Fund Appropriation for the following purposes: \$100,000.00

The state highway commission may, at the request of the toll bridge authority, pledge such sum to guarantee the payment of principal and interest on bonds issued by the authority in connection with construction of a second Lake Washington toll bridge, at a site to be determined by the toll bridge authority, or any subsequent refunding bond issues or for sinking fund requirements or reserves established by the authority with respect thereto. To the extent of any such pledge the state highway commission shall use such moneys to meet such obligations as they arise but only to the extent that revenues of the project are insufficient therefor.

(2) The state highway commission at the request of the toll bridge authority is further authorized to pledge the proceeds of excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes in an amount not to exceed seven hundred fifty thousand dollars per year for the purposes set forth in subparagraph (1) above.

(3) Whenever the state highway commission shall have made a pledge of motor vehicle funds as authorized in subparagraphs (1) and (2) above, the legislature agrees to continue to impose excise taxes on motor vehicle fuels in amounts sufficient to provide the state high-

way commission with funds necessary to enable it to comply with such pledge and to make necessary appropriations to the state highway commission for such purposes.

For—
State Highway
Commission.

(4) Any money from the motor vehicle fund used by the state highway commission for payment of principal or interest on any bond issue of the toll bridge authority to finance a second Lake Washington toll bridge shall be repaid to the motor vehicle fund to be used for state highway purposes, from revenues of such project and tolls may be continued for any required additional length of time necessary for this purpose.

SEC. 2. This act is necessary for the immediate Emergency. 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 27, 1959.

Passed the House March 27, 1959.

Approved by the Governor April 3, 1959.

CHAPTER 12.

[H. B. No. 2.]

GENERAL BUDGET AND APPROPRIATIONS

AN ACT adopting the budget and making appropriations for the operation of state agencies for the fiscal biennium beginning July 1, 1959, and ending June 30, 1961.

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

SECTION 1. That a budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the

General
budget—Ap-
propriations.

General appropriations. state and for other specified purposes for the fiscal biennium beginning July 1, 1959, and ending June 30, 1961, out of the several funds of the state hereinafter named.

State revenues for distribution.

STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution, provided receipts in excess of estimates may be distributed as provided by law.....	\$675,000
General Fund Appropriation for public utility district excise tax distribution, provided receipts in excess of estimates may be distributed as provided by law.....	\$2,664,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution, provided receipts in excess of estimates may be distributed as provided by law	\$220,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution, provided receipts in excess of estimates may be distributed as provided by law.....	\$4,979,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution, provided receipts in excess of estimates may be distributed as provided by law.....	\$8,800,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax distribution, provided receipts in excess of estimates may be distributed as provided by law.....	\$53,740,000

Federal revenues for distribution.

FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution, provided receipts in excess of estimates may be distributed.....	\$12,000
General Fund Appropriation for federal flood control funds distribution, provided receipts in excess of estimates may be distributed.....	\$20,000
Forest Reserve Fund Appropriation for forest reserve funds distribution, provided receipts in excess of estimates may be distributed.....	\$11,000,000

BOND RETIREMENT AND INTEREST		For— Bond retire- ment, interest.
Capitol Building Bond Redemption Fund Ap- propriation	\$586,288	
Institutional Building Bond Redemption Fund of 1949 Appropriation	\$2,551,898	
Highway Bond Retirement Fund Appropriation.	\$16,192,129	
Public School Building Bond Redemption Fund Appropriation	\$5,102,795	
Public Schools Building Bond Redemption Fund of 1955 Appropriation.....	\$4,496,500	
Public Schools Building Bond Redemption Fund of 1957 Appropriation.....	\$9,243,800	
School Emergency Construction Bond Redemp- tion Fund Appropriation.....	\$5,074,663	
<i>State Building Construction Bond Redemption Fund Appropriation</i>	<i>\$4,775,478</i>	} Vetoed.
University of Washington Bond Redemption Fund Appropriation	\$1,154,863	
War Veterans' Compensation Bond Retirement Fund Appropriation	\$11,470,408	
World Fair Bond Redemption Fund Appropria- tion	\$1,551,750	
Institutional Building Bond Redemption Fund of 1957 Appropriation.....	\$3,597,750	
STATE LEGISLATURE		State Legislature.
General Fund Appropriation		
Senate Expenses and salaries of members....	\$132,908	
House of Representatives Expenses and sala- ries of members.....	\$268,100	
Legislative Council	\$140,000	
PERMANENT STATUTE LAW COMMITTEE		Permanent Statute Law Committee.
General Fund Appropriation.....	\$188,874	
SUPREME COURT		Supreme Court.
General Fund Appropriation.....	\$684,000	
SUPERIOR COURT JUDGES		Superior Court Judges.
General Fund Appropriation.....	\$890,546	
ADMINISTRATOR FOR THE COURTS		Administrator for the Courts.
General Fund Appropriation.....	\$60,000	

General appropriations.
For—
Judicial Council.

JUDICIAL COUNCIL

General Fund Appropriation..... \$5,015

Law Library.

LAW LIBRARY

General Fund Appropriation..... \$142,599

Judges' retirement.

JUDGES' RETIREMENT

General Fund Appropriation
Judges' Retirement Fund Contributions (including deficiencies) \$131,040
Additional Judges' Retirement Fund Contributions in event of deficit \$196,394

Governor.

OFFICE OF THE GOVERNOR

General Fund Appropriation
Executive Operations \$213,880
Investigation and Emergency Purposes—to be distributed on vouchers approved by the Governor \$16,000
Extradition Expenses (including deficiencies) \$34,000
Mansion Maintenance—to be distributed on vouchers approved by the Governor..... \$24,000

SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation :
Governor's Emergency, to be allocated to various agencies for salaries, wages and operations for the carrying on of the necessary work of any agency for which insufficient or no appropriation has been made and emergency construction or repairs of public buildings \$2,500,000
Payment of Warrants drawn for emergency purposes \$250,000
Council of State Governments, to be distributed on vouchers approved by the Governor \$17,500
Surveys and Installations, available for expenditure or allotment by the Governor... \$275,000

Lieutenant Governor.

LIEUTENANT GOVERNOR

General Fund Appropriation..... \$32,416

Secretary of State.

SECRETARY OF STATE

General Fund Appropriation, provided that no more than \$484,831 shall be expended for

salaries of regular employees or office expense of the Secretary of State, including \$20,000 salaries, wages and operational costs of one additional field examiner.....	\$559,831	For—
STATE TREASURER		
General Fund Appropriation.....	\$341,567	State Treasurer.
STATE AUDITOR		
General Fund Appropriation		State Auditor.
State Auditor	\$676,361	
Payment for supplies furnished in previous bienniums	\$100,000	
Payment of L. I. D. assessments.....	\$75,000	
Criminal cost bills.....	\$25,000	
Motor Vehicle Fund Appropriation		
State Auditor	\$33,141	
ATTORNEY GENERAL		
General Fund Appropriation.....	\$675,000	Attorney General.
BUDGET OFFICE		
General Fund Appropriation.....	\$546,246	Budget Office.
PERSONNEL BOARD		
General Fund Appropriation.....	\$200,000	Personnel Board.
CAPITOL COMMITTEE		
General Fund Appropriation.....	\$10,000	Capitol Committee.
CENSUS BOARD		
General Fund Appropriation.....	\$10,000	Census Board.
Motor Vehicle Excise Fund Appropriation.....	\$42,000	
BOARD AGAINST DISCRIMINATION		
General Fund Appropriation.....	\$80,000	Board Against Discrimination.
EMPLOYEES' RETIREMENT BOARD		
Retirement System Expense Fund Appropriation	\$461,534	Employees' Retirement Board.
FINANCE COMMITTEE		
General Fund Appropriation.....	\$32,453	Finance Committee.
Motor Vehicle Fund Appropriation, provided that this expenditure be used solely for expenses incident to the issuance and sale of motor vehicle fuel tax revenue bonds.....	\$62,285	

General appropriations.
For—
Tax
Commission.

TAX COMMISSION

General Fund Appropriation, provided \$150,000 thereof shall be available only for reimbursable contract appraisal work with counties... \$5,354,725

Uniform Law
Commission.

UNIFORM LAW COMMISSION

General Fund Appropriation..... \$2,500

Department of
General Ad-
ministration.

DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation..... \$2,127,368

Department of
Institutions.

DEPARTMENT OF INSTITUTIONS—HEADQUARTERS

General Fund Appropriation, provided that not more than \$100,000 be expended for the Bureau of Criminal Identification..... \$1,610,644

General Fund Appropriation to the Director of Institutions for allocation by the Director to programs under the Division of Mental Health for the purpose of expanding services in connection with the state mental hospitals to achieve accreditation \$1,800,000

General Fund—State Institutional Revolving Account Appropriation Industrial Operations... \$317,000

Or such monies as are available in said account as of June 30, 1959, or so much thereof as may be necessary but not to exceed \$317,000, for the creation of a revolving fund for the conduct of Industrial Operations, provided that proposed legislation is enacted which requires that all monies collected for supplies and services shall be deposited to the credit of the institutional revolving fund and which requires, further, that expenditures of Industrial Operations shall be limited to the monies that are or will be deposited in said fund.

General Fund Appropriation
Food Production and Processing..... \$300,000

For the creation of a revolving fund for the operations of Food Production and Processing and for the expense of transfer of farm machinery, equipment and supplies without reimbursement to the transferring institution, provided that proposed legislation is enacted which requires that all monies collected for supplies and services shall be

deposited to the credit of the institutional revolving fund and which requires further that expenditures of Food Production and Processing shall be limited to the monies that are or will be deposited in said fund.

For—

INSURANCE COMMISSIONER		Insurance Commissioner.
General Fund Appropriation.....	\$802,304	
ACCOUNTANCY BOARD		Accountancy Board.
General Fund Appropriation.....	\$66,115	
AERONAUTICS COMMISSION		Aeronautics Commission.
General Fund Appropriation.....	\$98,653	
ATHLETIC COMMISSION		Athletic Commission.
General Fund Appropriation.....	\$18,672	
CEMETERY BOARD		Cemetery Board.
General Fund—Cemetery Account Appropriation	\$9,720	
BOARD OF INDUSTRIAL INSURANCE APPEALS		Board of Industrial Insurance Appeals.
Accident Fund Appropriation.....	\$345,112	
Medical Aid Fund Appropriation.....	\$345,112	
PHARMACY BOARD		Pharmacy Board.
General Fund Appropriation.....	\$114,248	
PUGET SOUND PILOTAGE COMMISSION		Puget Sound Pilotage Commission.
General Fund—Puget Sound Pilotage Account Appropriation	\$7,143	
POLLUTION CONTROL COMMISSION		Pollution Control Commission.
General Fund Appropriation, provided that federal grants in excess of estimates for this purpose may be allotted by the Governor....	\$440,000	
PUBLIC SERVICE COMMISSION		Public Service Commission.
Public Service Revolving Fund Appropriation..	\$2,493,633	
BOARD FOR VOLUNTEER FIREMEN		Board for Volunteer Firemen.
Volunteer Firemen's Relief and Pension Fund Appropriation	\$17,000	

General appropriations.
For—
State Patrol.

STATE PATROL

Highway Safety Fund Appropriation.....	\$2,758,603
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$8,207,999

STATE PATROL RETIREMENT FUND CONTRIBUTIONS

Highway Safety Fund Appropriation.....	\$694,680
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Department of General Administration.

DEPARTMENT OF GENERAL ADMINISTRATION—
DIVISION OF BANKING

General Fund Appropriation.....	\$248,629
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DEPARTMENT OF GENERAL ADMINISTRATION—
DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

General Fund Appropriation.....	\$176,007
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Department of Civil Defense.

DEPARTMENT OF CIVIL DEFENSE

General Fund Appropriation	
Civil defense coordination and defense and disaster assistance, provided that no more than \$329,296 shall be provided from funds other than federal, and provided further that any federal grants in excess of \$754,899 included herein may be made available for matching purposes by allotment by the Governor	\$1,084,195

Department of Labor and Industries.

DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation.....	\$7,687,942
General Fund—Electrical License Account Appropriation	\$225,970
Accident Fund Appropriation.....	\$1,356,141
Medical Aid Fund Appropriation.....	\$4,141,609

Department of Licenses.

DEPARTMENT OF LICENSES

General Fund Appropriation	\$640,639
General Fund Appropriation for the Medical Disciplinary Board	\$15,000
General Fund—Optometry Account Appropriation	\$14,022
General Fund—Opticians Account Appropriation	\$13,630
General Fund—Real Estate Commission Account Appropriation	\$432,765

General Fund—Commercial Automobile Driver Training Schools Account Appropriation.....	\$2,232	For—
General Fund—Parks and Parkways Account Appropriation	\$50,000	
Motor Vehicle Fund Appropriation.....	\$3,632,733	
Highway Safety Fund Appropriation, providing that \$300,000 be used for the installation and operation of an electronic data computer system	\$1,003,133	
MILITARY DEPARTMENT		
General Fund Appropriation.....	\$1,689,556	Military Department.
BOARD OF PRISON TERMS AND PAROLES		
General Fund Appropriation.....	\$1,183,880	Board of Prison Terms and Paroles.
DEPARTMENT OF INSTITUTIONS—PENITENTIARY		
General Fund Appropriation.....	\$5,564,287	Department of Institutions.—Penitentiary.
DEPARTMENT OF INSTITUTIONS—REFORMATORY		
General Fund Appropriation.....	\$3,863,629	—Reformatory.
DEPARTMENT OF INSTITUTIONS—FORESTRY HONOR CAMPS		
General Fund Appropriation.....	\$529,698	—Forestry Honor Camps.
DEPARTMENT OF INSTITUTIONS—FORESTRY HONOR CAMP NO. 3		
General Fund Appropriation.....	\$310,953	—Forestry Honor Camp No. 3.
DEPARTMENT OF INSTITUTIONS—MAPLE LANE SCHOOL		
General Fund Appropriation.....	\$1,520,100	—Maple Lane School.
DEPARTMENT OF INSTITUTIONS—MARTHA WASHINGTON SCHOOL		
General Fund Appropriation.....	\$506,179	—Martha Washington School.
DEPARTMENT OF INSTITUTIONS—GREEN HILL SCHOOL		
General Fund Appropriation.....	\$2,082,006	—Green Hill School.
DEPARTMENT OF INSTITUTIONS—LUTHER BURBANK SCHOOL		
General Fund Appropriation.....	\$748,279	—Luther Burbank School.

General appropriations.
For—
Department of Institutions.
—Fort Worden School.

DEPARTMENT OF INSTITUTIONS—FORT WORDEN SCHOOL

General Fund Appropriation..... \$3,034,082

DEPARTMENT OF INSTITUTIONS—CEDAR CREEK CAMP

—Cedar Creek Camp.

General Fund Appropriation..... \$258,793

—Capitol Forest Youth Camp.

DEPARTMENT OF INSTITUTIONS—CAPITOL FOREST YOUTH CAMP

General Fund Appropriation..... \$232,569

—Youth Forest Camp No. 3.

DEPARTMENT OF INSTITUTIONS—YOUTH FOREST CAMP NO. 3

General Fund Appropriation..... \$135,261

—Juvenile Parole Service.

DEPARTMENT OF INSTITUTIONS—JUVENILE PAROLE SERVICE

General Fund Appropriation..... \$608,951

—Juvenile Delinquency Prevention.

DEPARTMENT OF INSTITUTIONS—JUVENILE DELINQUENCY PREVENTION AND CONTROL

General Fund Appropriation..... \$620,853

Veterans' Rehabilitation Council.

VETERANS' REHABILITATION COUNCIL

General Fund Appropriation..... \$363,636

—Soldiers' Home.

DEPARTMENT OF INSTITUTIONS—SOLDIERS' HOME AND COLONY

General Fund Appropriation..... \$825,228

—Veterans' Home.

DEPARTMENT OF INSTITUTIONS—VETERANS' HOME

General Fund Appropriation..... \$1,949,493

Department of Public Assistance.

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation (including deficiencies): *Provided*, That \$19,339,123 shall be available exclusively for administration including salaries, wages and operations; \$66,509,216 shall be available for old age assistance exclusive of burial costs and exclusive of nursing home and other medical care costs and \$142,263,874 shall be available for burial costs, nursing home and other medical care costs and for assistance grants exclusive of old age assistance grants: *Provided further*,

For—
Department
of Public
Assistance.

That there is specifically earmarked the following specified amounts for the support of the following named hospitals: King County Hospital \$8,929,930, Pierce County Hospital \$2,854,402, Clark County Hospital \$1,201,461, Whatcom County Hospital \$770,000: *Provided further*, That there is specifically earmarked the following specified amount for nursing home costs \$26,607,742: *Provided further*, That in addition there is specifically earmarked the following specified amount for nursing home care \$2,636,352 to be disbursed to all nursing homes who cooperate with the department in carrying out the provisions of RCW 74.09.120 at the rate of \$0.40 per day for all classes of nursing home care on the basis of the number of patient days of recipients of public assistance: *Provided further*, That if federal grants for the council on the aging are received they may be made available by allotment of the Governor: *Provided further*, That federal funds received in excess of estimates may be allotted by the Governor if state matching funds are available but federal funds may not be so received or allotted to increase grants or assistance unless the federal funds are specifically granted for such purpose or to meet increased caseloads.....

\$228,112,213

The Department of Public Assistance is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance and to effect all economies possible in the administration of such programs during the 1959-1961 biennium in order that expenditures for said biennium shall not exceed the funds herein appropriated: *Provided*, That the standards of assistance for any payments from this appropriation for applicants or recipients shall be limited to reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals: *Provided*, That payments to applicants or recipients from this appropriation shall not be increased due to increased costs of living unless funds are available: *Provided*, That no payments of general assistance shall be made

General appropriations.
For—
Department of Public Assistance.

from this appropriation unless the applicant or recipient for general assistance has resided in the State of Washington for three out of the last four years immediately preceding the date of application: *Provided*, That the director may make payments of emergency general assistance to an applicant or recipient notwithstanding the residence provision above for a period of not to exceed ninety days if a denial of assistance would cause undue hardship: *Provided*, That unemployable persons shall not be eligible for a general assistance grant payable from this appropriation unless they are substantially incapacitated from gainful employment: *Provided*, That no payments of aid to dependent children assistance shall be made from this appropriation on behalf of an employable parent or relative with whom the child lives unless the director of public assistance determines that the employment of the parent or relative with whom the child lives would result in danger and/or substantial impairment to the physical or mental well-being of the child: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home.

Department of Institutions.
—School for the Blind.

DEPARTMENT OF INSTITUTIONS—SCHOOL FOR THE BLIND

General Fund Appropriation..... \$817,396

—School for the Deaf.

DEPARTMENT OF INSTITUTIONS—SCHOOL FOR THE DEAF

General Fund Appropriation..... \$1,535,459

Commission for Higher Education.

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

General Fund Appropriation..... \$20,000

Board of Education.

BOARD OF EDUCATION

General Fund Appropriation, provided that \$24,000 shall be available for financial aid to blind students \$640,642

SUPERINTENDENT OF PUBLIC INSTRUCTION

For—
Superinten-
dent of Public
Instruction.

General Fund Appropriation

Salaries and expense, office of the Superin-
tendent of Public Instruction..... \$1,035,379

Aid to handicapped children and research
related to educational services for excep-
tional children not to exceed one percent
of the appropriation..... \$5,751,093

Education of Indian children, provided that
any federal funds received in excess of this
estimate may be made available by the
Governor by approved budget allotment... \$600,000

School lunch and school milk programs, pro-
vided that any federal funds received in
excess of this estimate may be made avail-
able by the Governor by approved budget
allotment \$7,200,000

To carry out the provisions of Public Law
85-864 (National Defense Education Act of
1958): *Provided*, That not more than \$76,-
179 shall be from state funds: *Provided
further*, That \$152,358 may be expended
by the office of Superintendent of Public
Instruction for salaries and expense in the
administration of this program: *Provided
further*, That any federal funds received in
excess of \$2,406,179 may be made available
by the Governor by approved budget allot-
ment \$2,482,358

Distribution to counties, equalization..... \$26,850,000

Distribution to counties for school districts,
in accordance with the provisions of chapter
141, Laws of 1945, and acts amendatory or
supplementary thereto, \$291,570,000 (being
\$6,809,530 from the Current School Fund and
\$284,760,470 from the General Fund): *Pro-
vided*, That the equalization level of a school
district for any equalization payment made
from these appropriations shall be forty-seven
cents times the total number of days attend-
ance credit for the district computed on the
basis of the estimate of attendance provided
for in RCW 28.41.060 and on the basis of the
factors prescribed in RCW 28.41.070 and ad-
justed, if necessary, to provide a minimum of
forty-five hundred days of attendance credit

General appropriations. For— Superintendent of Public Instruction.

for each educational unit to be maintained by the district during the school years 1959-1960 and 1960-1961: *Provided further*, That the apportionment on the educational unit basis shall be \$2,309.90 for 1959-60 and \$2,445.50 for 1960-61: *Provided further*, That no part of these appropriations shall be used to supplement or implement any regulation of the Board of Education promulgated after January 1, 1957: *Provided further*, That the total apportionment to a school district for the year shall be reduced for each school year by the amount that its revenue as prescribed in the first proviso of this item exceeds one and one-half times the equalization level defined: *Provided further*, That no more than \$5,300,000 of these appropriations shall be used for ratable state support of kindergartens: *Provided further*, That none of these appropriations shall be expended for adult evening classes unless such classes have been approved by the Board of Education: *And provided further*, That no more than \$500,000 shall be used to carry out the provisions of section 31, chapter 157, Laws of 1955, and acts amendatory thereto: *And provided further*, That not to exceed \$1,130,000 shall be an apportionment to equalization districts at fifty-four dollars per pupil for any increase in the school enrollment of the district in excess of five percent between October first of the current school year and October first of the preceding school year.

General Fund Appropriation.....	\$284,760,470
Current School Fund Appropriation.....	\$6,809,530

State Board for Vocational Education.

STATE BOARD FOR VOCATIONAL EDUCATION

General Fund Appropriation

Vocational Education, provided that any federal funds received in excess of \$1,268,484 included herein may be made available by the Governor by approved budget allotment	\$1,944,568
Vocational Rehabilitation, provided that any federal funds received in excess of \$1,400,000 included herein may be made available by the Governor by approved budget allotment	\$3,665,198

TEACHERS' RETIREMENT SYSTEM		For— Teachers' Retirement.
Teachers' Retirement Fund Appropriation.....	\$310,493	
CONTRIBUTION TO TEACHERS' RETIREMENT FUNDS		
General Fund Appropriation		
Contribution to Teachers' Retirement Fund..	\$10,915,000	
Contribution to Teachers' Retirement Pension Reserve Fund	\$5,920,000	
UNIVERSITY OF WASHINGTON		University of Washington.
General Fund Appropriation		
Regular university, including Institute of For- est Products	\$34,702,100	
Division of health sciences and hospital.....	\$10,600,780	
Motor Vehicle Excise Fund Appropriation		
Bureau of governmental research.....	\$135,000	
STATE COLLEGE OF WASHINGTON		State College of Washington.
General Fund Appropriation, including \$50,000 for Irish Potato research.....	\$26,773,184	
EASTERN WASHINGTON COLLEGE OF EDUCATION		Eastern Washington College of Education.
General Fund Appropriation.....	\$3,687,147	
CENTRAL WASHINGTON COLLEGE OF EDUCATION		Central Washington College of Education.
General Fund Appropriation.....	\$3,811,418	
WESTERN WASHINGTON COLLEGE OF EDUCATION		Western Washington College of Education.
General Fund Appropriation.....	\$4,304,174	
STATE LIBRARY		State Library.
General Fund Appropriation		
General Library Services.....	\$391,401	
Local library development, provided that no more than \$50,000 shall be available for integration grants to local library districts..	\$532,484	
WASHINGTON STATE HISTORICAL SOCIETY		State Histori- cal Society.
General Fund Appropriation.....	\$110,463	
EASTERN WASHINGTON HISTORICAL SOCIETY		Eastern Washington Historical Society.
General Fund Appropriation.....	\$45,941	
STATE CAPITOL HISTORICAL ASSOCIATION		State Capitol Historical Association.
General Fund Appropriation.....	\$47,986	

	DEPARTMENT OF HEALTH	
General appropriations. For— Department of Health.	General Fund Appropriation for tuberculosis hospitalization and control; state aid to counties	\$4,031,581
	General Fund Appropriation provided that of this sum \$250,000 shall be paid by the liquor control board from its receipts into the general fund and provided further that the alcoholism account in the general fund is hereby abolished	\$5,615,893
	DEPARTMENT OF INSTITUTIONS—MENTAL HEALTH RESEARCH INSTITUTE	
Department of Institutions. —Mental Health Research Institute.	General Fund Appropriation.....	\$491,725
	DEPARTMENT OF INSTITUTIONS—EASTERN HOSPITAL	
—Eastern Hospital.	General Fund Appropriation.....	\$9,228,306
	DEPARTMENT OF INSTITUTIONS—NORTHERN HOSPITAL	
—Northern Hospital.	General Fund Appropriation.....	\$8,330,473
	DEPARTMENT OF INSTITUTIONS—WESTERN HOSPITAL	
—Western Hospital.	General Fund Appropriation.....	\$11,693,996
	DEPARTMENT OF INSTITUTIONS—LAKELAND VILLAGE	
—Lakeland Village.	General Fund Appropriation.....	\$4,854,636
	DEPARTMENT OF INSTITUTIONS—RAINIER SCHOOL	
—Rainier School.	General Fund Appropriation.....	\$7,207,325
	DEPARTMENT OF INSTITUTIONS—FIRCREST SCHOOL	
—Fircrest School.	General Fund Appropriation.....	\$3,083,383
	DEPARTMENT OF INSTITUTIONS—YAKIMA VALLEY SCHOOL	
—Yakima Valley School.	General Fund Appropriation.....	\$1,462,119
	PARKS AND RECREATION COMMISSION	
Parks and Recreation Commission.	General Fund—Parks and Parkways Account Appropriation	\$2,292,241
	General Fund—Millersylvania Park Current Account Appropriation	\$400
	Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within state parks.....	\$150,000

DEPARTMENT OF CONSERVATION		For— Department of Conservation.
General Fund Appropriation.....	\$1,640,521	
General Fund—Reclamation Revolving Account Appropriation	\$210,872	
General Fund—Weather Modification Board Re- volving Account Appropriation.....	\$1,500	
DEPARTMENT OF FISHERIES		Department of Fisheries.
General Fund Appropriation.....	\$5,166,331	
General Fund—Lewis River Hatchery Account Appropriation	\$28,640	
DEPARTMENT OF GAME		Department of Game.
Game Fund Appropriation provided that not more than \$100,000 shall be expended for pay- ment of game animal damages and expense..	\$8,885,013	
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT		Department of Commerce and Economic Development.
General Fund Appropriation, provided \$750,000 hereof shall only be available for the urban planning program supported entirely by local and federal contributions.....	\$2,413,209	
BOARD OF NATURAL RESOURCES		Board of Natural Resources.
General Fund Appropriation for employment by the board of natural resources of person- nel to advise the board on timber sales, timber management and to perform such other duties as the board may prescribe.....	\$20,000	
DEPARTMENT OF NATURAL RESOURCES		Department of Natural Resources.
General Fund Appropriation for employment \$1,445,684 hereof shall only be available for the conduct of honor camp forest rehabilita- tion programs	\$7,194,052	
General Fund—Forest Development Account Ap- propriation	\$368,452	
DEPARTMENT OF AGRICULTURE		Department of Agriculture.
General Fund Appropriation.....	\$1,992,228	
General Fund—Egg Inspection Account Appro- priation	\$227,366	
General Fund—Feed and Fertilizer Account Ap- propriation	\$9,742	

General appropriations. For—Department of Agriculture.	General Fund—Commercial Feed Account Appropriation	\$132,385
	General Fund—Seed Inspection Account Appropriation	\$225,509
	General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation.....	\$63,154
	General Fund—Nursery Inspection Account Appropriation	\$81,232
	General Fund—Commission Merchants Account Appropriation	\$200,288
	Grain and Hay Inspection Fund Appropriation.	\$1,760,038

Department of Employment Security.

DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation, provided that any funds received in excess of this estimate may be made available by the Governor by approved budget allotment.....	\$12,383,016
General Fund Appropriation for public employee OASI administration.....	\$75,327

Presidential Electors.

PRESIDENTIAL ELECTORS

General Fund Appropriation for payment of expenses of presidential electors.....	\$500
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"Agency" defined.

SEC. 2. The word "agency" used herein shall mean and include every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

Implementing powers—Unlawful obligations.

SEC. 3. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the Governor, may:

(1) Allot all or any portion of the funds herein appropriated, or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: *Provided*, That the budget director shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Agencies

headed by elective officials; University of Washington; Washington State College; Central Washington College of Education; Eastern Washington College of Education; Western Washington College of Education; Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington State Dairy Products Commission, or any agricultural commodity commission created under the provisions of RCW 15.66; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided, however,* That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

SEC. 4. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the Governor but in the event that receipts shall be less than those estimated in the budget from any source the appropriation shall be limited to the amount actually received and allotments made as provided in section 3.

Excess receipts, grants, allotment.

SEC. 5. Agencies are authorized to make refunds of erroneous or excessive payments and in the case

Refunds authorized.

General appropriations.

of other refunds, which may be provided by law, without express appropriation therefor.

No appropriation where trust funds.

SEC. 6. Appropriations shall not be required in the case of payments to be made from trust funds specifically created by law to discharge awards, claims, annuities and similar liabilities of the state.

No appropriation where revolving funds.

SEC. 7. It shall not be necessary for an appropriation to be made to permit payment of obligations for revolving funds which have been or may be created by law to finance the operations of revolving funds which are established within agencies to supply goods or services to other agencies.

Passed the House March 23, 1959.

Passed the Senate March 23, 1959.

Approved by the Governor April 3, 1959 with the exception of a certain item which is vetoed.

Veto message, excerpt.

Note: Excerpt of Governor's veto message reads as follows:
 "I disapprove and veto the item, 'State Building Construction Bond Redemption Fund Appropriation, \$4,775,478.00,' for the reason that the amount sought to be appropriated for the State Building Construction Bond Redemption Fund by this item is too large, and the correct amount, \$4,258,158.00 of the appropriation is supplied by Substitute Senate Bill No. 21 which I am signing of even date herewith.

"For this reason the above quoted item is vetoed, the remainder of the bill is approved."

ALBERT D. ROSELLINI,
 Governor.

CHAPTER 13.

[H. B. 36.]

CAPITAL BUDGET AND APPROPRIATIONS.

AN ACT adopting the capital budget and making appropriations for capital improvements for the fiscal biennium beginning July 1, 1959, and ending June 30, 1961.

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

Capital budget — Appropriations.

SECTION 1. That a capital budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accom-

plish the purposes designated are hereby appropriated and authorized to be disbursed for capital projects during the fiscal biennium beginning July 1, 1959, and ending June 30, 1961, out of the several funds hereinafter named:

FOR THE CAPITOL COMMITTEE		For— Capitol Committee.
The Following Capital Project:		
Renovate Fish Ladder, Capitol Lake General Fund—Capitol Building Construction Account Reappropriation.....	\$36,000	
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION		Department of General Ad- ministration.
The Following Capital Projects:		
Replace Boiler and Construct Access Road, Central Heating Plant General Fund—State Building Construction Account Appropriation	\$266,272	
Remodel Basement, Temple of Justice General Fund—State Building Construction Account Appropriation.....	\$116,500	
Clean and Recondition Exterior of Legis- lative Building General Fund—State Building Construction Account Appropriation	\$127,000	
FOR THE AERONAUTICS COMMISSION		Aeronautics Commission.
The Following Capital Project:		
Construct Two Emergency Landing Fields General Fund—State Building Construction Account Appropriation	\$51,000	
FOR THE STATE PATROL		State Patrol.
The Following Capital Projects:		
Install Axle Scales and Relocate Existing Scales Motor Vehicle Fund Reappropriation.....	\$12,000	
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$135,000	
Improve Buildings, Grounds, and Roadways at Walla Walla, Sunnyside, and Kennewick Motor Vehicle Fund—State Patrol Highway Account Reappropriation	\$38,900	
Construct Communications System Motor Vehicle Fund—State Patrol Highway Account Reappropriation	\$45,000	

Capital appropriations. For—State Patrol.

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$148,200
Construct Detachment Offices, Hoquiam and Kennewick	
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$83,900

Department of Labor and Industries.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
The Following Capital Project:	
Construct and Equip Rehabilitation Center Dormitory	
Medical Aid Fund Appropriation.....	\$425,000

Puget Sound Pilotage Commission.

FOR THE PUGET SOUND PILOTAGE COMMISSION	
The Following Capital Project:	
Replace Radar Equipment, Port Angeles Pilot Station	
General Fund—Puget Sound Pilotage Account Appropriation	\$8,320

Military Department.

FOR THE MILITARY DEPARTMENT	
The Following Capital Projects:	
Construct New Armory, Colville	
General Fund—State Building Construction Account Reappropriation	\$100,180
Construct Additions and Install Improvements to Armory Buildings and Grounds	
General Fund—State Building Construction Account Reappropriation	\$163,690
General Fund—State Building Construction Account Appropriation	\$200,000
General Fund Appropriation.....	\$6,000

Department of Institutions.—School for the Blind.

FOR THE DEPARTMENT OF INSTITUTIONS	
The Following Capital Projects:	
Construct School Building, School for the Blind	
General Fund—State Building Construction Account Reappropriation	\$406,924

—Cedar Creek Youth Forestry Camp.

Construct Dormitory and Administration Building, Dining Hall, and Supervisor's Cottage, and Install Site Improvements, Cedar Creek Youth Forestry Camp	
General Fund—State Building Construction Account Reappropriation	\$194,774

Remodel Four Ward Buildings, Eastern Hospital		For— —Eastern Hospital.
General Fund—State Building Construction Account Reappropriation	\$145,956	
Remodel Main Kitchen and Meat Preparation Area, Eastern Hospital		
General Fund—State Building Construction Account Reappropriation	\$35,000	
Construct Additions to Irrigation System, Eastern Hospital		
General Fund—State Building Construction Account Reappropriation	\$16,000	
Construct Incinerator and Pave Adjacent Area, Eastern Hospital		
General Fund—State Building Construction Account Reappropriation	\$6,000	
Purchase and Erect Six Quonset Huts, Eastern Hospital		
General Fund Reappropriation.....	\$25,056	
Purchase and Erect Four Quonset Huts, Green Hill School		—Green Hill School.
General Fund Reappropriation.....	\$23,520	
Renovate Buildings and Structures and Con- struct Additions to Plant Utilities, Lake- land Village		—Lakeland Village.
General Fund—State Building Construction Account Reappropriation	\$77,788	
Construct Addition to Industries and Mainte- nance Building, Penitentiary		—Penitentiary.
General Fund—State Building Construction Account Reappropriation	\$139,535	
Construct Addition to Industrial Building, Penitentiary		
General Fund Reappropriation	\$70,000	
Purchase and Install Industrial Equipment, Penitentiary		
General Fund—State Building Construction Account Reappropriation	\$84,102	
Modify Storm Sewer System, Rainier School		—Rainier School.
General Fund—State Building Construction Account Reappropriation	\$8,781	
Construct Milking Parlor, Rainier School		
General Fund Reappropriation.....	\$31,500	

Capital appropriations. For— Department of Institutions. —Reformatory.	Construct Personnel Housing Unit, Reformatory	
	General Fund—State Building Construction Account Reappropriation	\$24,972
	Purchase and Erect Four Quonset Huts, Reformatory	
	General Fund Reappropriation.....	\$21,298
—Western Hospital.	Construct Juvenile Building, Western Hospital	
	General Fund—State Building Construction Account Reappropriation.....	\$471,623
	General Fund—State Building Construction Account Appropriation	\$70,428
—Luther Burbank School.	Purchase and Erect Two Quonset Huts, Luther Burbank School	
	General Fund Reappropriation.....	\$8,064
—Cedar Creek Youth Forestry Camp.	Construct Gymnasium-Vocational Building, Cedar Creek Youth Forestry Camp	
	General Fund—Institutional Building Construction Account Reappropriation.....	\$103,960
—Eastern Hospital.	Construct Recreation Building for Security Patients, Eastern Hospital	
	General Fund—Institutional Building Construction Account Reappropriation.....	\$216,480
	General Fund—State Building Construction Account Appropriation	\$25,000
	Construct Occupational Therapy and Recreation Building, Eastern Hospital	
	General Fund—Institutional Building Construction Account Reappropriation.....	\$756,270
	General Fund—State Building Construction Account Appropriation	\$55,000
	Construct Addition to Laundry, Eastern Hospital	
	General Fund—Institutional Building Construction Account Reappropriation.....	\$69,000
	General Fund—State Building Construction Account Appropriation	\$4,000
—Green Hill School.	Construct Four Residential Units, Green Hill School	
	General Fund—State Building Construction Account Reappropriation	\$264,081
	General Fund—Institutional Building Construction Account Reappropriation.....	\$328,300

General Fund—State Building Construction Account Appropriation	\$13,100	
Construct Recreation Building, Green Hill School		
General Fund—Institutional Building Construction Account Reappropriation.....	\$285,000	
General Fund—State Building Construction Account Appropriation	\$14,860	
Construct Addition to School Building, Lakeland Village		—Lakeland Village.
General Fund—Institutional Building Construction Account Reappropriation.....	\$131,000	
General Fund—State Building Construction Account Appropriation	\$2,400	
Construct Addition to Sewage Plant, Lakeland Village		
General Fund—Institutional Building Construction Account Reappropriation.....	\$88,500	
Construct Two Residential Units, Maple Lane School		—Maple Lane School.
General Fund—State Building Construction Account Reappropriation	\$88,951	
General Fund—Institutional Building Construction Account Reappropriation.....	\$100,586	
General Fund—State Building Construction Account Appropriation	\$10,000	
Construct Security-Treatment Building, Maple Lane School		
General Fund—Institutional Building Construction Account Reappropriation.....	\$241,000	
General Fund—State Building Construction Account Appropriation	\$44,000	
Construct Classroom Building, Maple Lane School		
General Fund—Institutional Building Construction Account Reappropriation.....	\$200,100	
General Fund—State Building Construction Account Appropriation	\$25,150	
Construct Receiving, Treatment, Medical and Surgical Building, Northern State Hospital		—Northern State Hospital.
General Fund—Institutional Building Construction Account Reappropriation.....	\$1,793,200	
General Fund—State Building Construction Account Appropriation	\$200,000	

Capital appropriations. For— Department of Institutions. —Northern Hospital.	Construct Women's Occupational Therapy Building, Northern Hospital General Fund—Institutional Building Con- struction Account Reappropriation	\$368,850
	General Fund—State Building Construction Account Appropriation	\$20,000
	Construct Recreation Building, Northern Hos- pital General Fund—Institutional Building Con- struction Account Reappropriation	\$276,700
	General Fund—State Building Construction Account Appropriation	\$15,000
	Construct Addition to Commissary, Northern Hospital General Fund—Institutional Building Con- struction Account Reappropriation	\$102,400
—Penitentiary	Construct Two Cell Block Wings, Penitentiary General Fund—Institutional Building Con- struction Account Reappropriation	\$1,250,000
	General Fund—State Building Construction Account Appropriation	\$8,130
	Construct Hospital Wing, Penitentiary General Fund—Institutional Building Con- struction Account Reappropriation	\$900,000
	General Fund Reappropriation	\$101,489
	General Fund—State Building Construction Account Appropriation	\$108,007
	Construct Five Industrial Bays, Penitentiary General Fund—State Building Construction Account Reappropriation	\$74,441
	General Fund—Institutional Building Con- struction Account Reappropriation	\$196,800
	Construct Industrial and General Stores Ware- house, Penitentiary General Fund—Institutional Building Con- struction Account Reappropriation	\$310,000
	General Fund—State Building Construction Account Appropriation	\$6,500
	Construct Administration Building, Peniten- tiary General Fund—Institutional Building Con- struction Account Reappropriation	\$300,000
	General Fund—State Building Construction Account Appropriation	\$9,475

Construct Creamery Building, Penitentiary		For—
General Fund—Institutional Building Construction Account Reappropriation.....	\$70,000	—Penitentiary.
General Fund—State Building Construction Account Appropriation	\$25,000	
Construct Honor Farm Dormitory, Reformatory		—Reformatory
General Fund—Institutional Building Construction Account Reappropriation.....	\$87,955	
General Fund—State Building Construction Account Appropriation	\$10,430	
Construct Steam Plant, Reformatory		
General Fund—Institutional Building Construction Account Reappropriation.....	\$594,628	
Construct Armory Tower, Reformatory		
General Fund—Institutional Building Construction Account Reappropriation.....	\$17,985	
General Fund—State Building Construction Account Appropriation	\$8,150	
Construct Field House, Reformatory		
General Fund—Institutional Building Construction Account Reappropriation.....	\$276,641	
General Fund—State Building Construction Account Appropriation	\$24,714	
Construct Residential Unit, School for the Blind		—School for the Blind.
General Fund—Institutional Building Construction Account Reappropriation.....	\$106,100	
General Fund—State Building Construction Account Appropriation	\$22,100	
Construct Vocational Building, School for the Deaf		—School for the Deaf.
General Fund—Institutional Building Construction Account Reappropriation.....	\$526,400	
General Fund—State Building Construction Account Appropriation	\$50,338	
Construct Addition to Laundry, Western Hospital		—Western Hospital.
General Fund—Institutional Building Construction Account Reappropriation.....	\$135,630	
Construct Occupational Therapy and Recreation Building, Western Hospital		
General Fund—Institutional Building Construction Account Reappropriation.....	\$523,370	
General Fund—State Building Construction Account Appropriation	\$25,000	

Capital appropriations. For— Department of Institutions. —Veterans' Home.	Renovate Water System, Veterans' Home	
	General Fund Reappropriation.....	\$8,000
—Cedar Creek Youth Camp.	General Fund—State Building Construction Account Appropriation	\$31,600
	Construct Kitchen-Dining Room and Barracks, Cedar Creek Youth Forestry Camp	
—Reformatory.	General Fund—State Building Construction Account Appropriation	\$50,000
	Renovate Milk Processing Building and Install Equipment for Centralized Dairy Operation, Reformatory	
—Eastern Hospital.	General Fund—State Building Construction Account Appropriation	\$172,900
	Construct Dairy Loafing Shed, Holding Pen Roof, Silo, and Garbage Feeding Area, and Remodel Dairy Barn, Reformatory	
—Green Hill School.	General Fund—State Building Construction Account Appropriation	\$38,500
	Construct Laying Houses, Hog Buildings, Grain Storage Facilities, Silo, Milking Parlor, Loafing Shed and Feeding Area, and Remodel Dairy Barn, Eastern Hospital	
—Lakeland Village.	General Fund—State Building Construction Account Appropriation	\$121,400
	Renovate Dairy Barns, Construct Silo, and Install Irrigation System, Green Hill School	
—Northern Hospital.	General Fund—State Building Construction Account Appropriation	\$17,500
	Remodel Dairy Barn, Install Can Filler, and Construct Additional Grain Storage Facilities, Lakeland Village	
—Rainier School.	General Fund—State Building Construction Account Appropriation	\$12,700
	Construct Silage Storage Facilities, Loafing Shed and Feeding Area, and Bulk Milk Storage Building, Install Bulk Milk Storage and Handling Equipment, Remodel Dairy Barns and Install Milking Equipment, Northern Hospital	
	General Fund—State Building Construction Account Appropriation	\$40,000
	Construct Hay Storage Barn, Two Silos, Loafing Shed, Maternity Barn and Covered Holding Area, and Remodel Chicken House, Rainier School	
	General Fund—State Building Construction Account Appropriation	\$73,000

Replace Water Main, Eastern Hospital General Fund—State Building Construction Account Appropriation	\$80,000	For— —Eastern Hospital.
Construct Equalizing Storage Reservoir, Lake- land Village General Fund—State Building Construction Account Appropriation	\$160,705	—Lakeland Village.
Replace Utility Lines, Penitentiary General Fund—State Building Construction Account Appropriation	\$250,000	—Penitentiary
Replace Water Main, Rainier School General Fund—State Building Construction Account Appropriation	\$40,000	—Rainier School.
Construct Addition to Sewage Disposal Plant and Install Boiler and Heat Exchanger, Rainier School General Fund—State Building Construction Account Appropriation	\$36,800	
Construct Additional Refrigeration Space and Remodel Existing Space, Western Hos- pital General Fund—State Building Construction Account Appropriation	\$140,000	—Western Hospital.
Install Fire Escapes, Lakeland Village General Fund—State Building Construction Account Appropriation	\$28,745	—Lakeland Village.
Install Hot Water Lines in Cell House No. 1, Reformatory General Fund—State Building Construction Account Appropriation	\$25,600	—Reformatory.
Purchase Land and Buildings, Yakima Valley School General Fund—State Building Construction Account Appropriation	\$187,000	—Yakima Valley School.
Remodel Baths, Nurses Stations and Psychi- atric Wards, Yakima Valley School General Fund—State Building Construction Account Appropriation	\$21,200	
Remodel Second Floor and Surgical Wing to Provide Additional Capacity for 30 Chil- dren, Yakima Valley School General Fund—State Building Construction Account Appropriation	\$31,800	

Capital appropriations.
For—
Department of Institutions.
—Yakima Valley School.

Install Air Conditioning and Additional Refrigeration Capacity, Yakima Valley School General Fund—State Building Construction Account Appropriation	\$189,000
Construct Storage Building, Yakima Valley School General Fund—State Building Construction Account Appropriation	\$21,200
—Fircrest School. Exercise Option to Acquire Title to Improvements Made by King County, Fircrest School General Fund—State Building Construction Account Appropriation	\$12,000
Renovate and Remodel Quarters A, C, D, and E and 10 Wings of Hospital 5 and Install Kitchen Equipment to Provide Capacity for 510 Children, Fircrest School General Fund—State Building Construction Account Appropriation	\$472,250
Extend and Surface Roads and Install Fencing, Fircrest School General Fund—State Building Construction Account Appropriation	\$14,000
Remodel Quarters of Firlands Employees Displaced by Conversion of Quarters A, C, D, and E to State Use, Fircrest School General Fund—State Building Construction Account Appropriation	\$33,750
—Fort Worden School. Renovate Buildings 205, 297 and 326 to Provide Education and Recreation Buildings for 112 Boys, Fort Worden School General Fund—State Building Construction Account Appropriation	\$104,000
Renovate Buildings 225, 227, and 233 to House 100 Delinquent Boys, Fort Worden School General Fund—State Building Construction Account Appropriation	\$190,000
Enlarge Central Kitchen and Staff Dining Room, Fort Worden School General Fund—State Building Construction Account Appropriation	\$49,000
—Youth Forestry Camp No. 3. Construct Youth Forestry Camp No. 3 on State-owned Forest Land, to Provide Capacity for 45 Delinquent Boys General Fund—State Building Construction Account Appropriation	\$286,218

Renovate 6 Wards, Western Hospital General Fund—State Building Construction Account Appropriation	\$84,000	For— —Western Hospital.
Renovate 12 Wards, Northern Hospital General Fund—State Building Construction Account Appropriation	\$450,000	—Northern Hospital.
Renovate 4 Wards, Eastern Hospital General Fund—State Building Construction Account Appropriation	\$190,000	—Eastern Hospital.
Rehabilitate Geriatrics Building, Eastern Hos- pital General Fund—State Building Construction Account Appropriation	\$200,000	
Construct Covering for Walkways, Northern Hospital General Fund—State Building Construction Account Appropriation	\$45,000	—Northern Hospital.
Remodel Ward A to Provide Office Space, Western Hospital General Fund—State Building Construction Account Appropriation	\$30,000	—Western Hospital.
Modify Sewer System, Maple Lane School General Fund—State Building Construction Account Appropriation	\$48,000	—Maple Lane School.
Construct and Equip Hospital Infirmary-Type Building, Soldiers' Home and Colony General Fund—State Building Construction Account Appropriation	\$550,000	—Soldiers' Home and Colony.
Construct Boys and Girls Hospital, Lakeland Village General Fund—State Building Construction Account Appropriation	\$270,210	—Lakeland Village.
FOR THE BOARD OF EDUCATION		Board of Education.
The Following Capital Project:		
Public School Building Construction General Fund — Public School Building Construction Account Reappropriation..	\$29,277,987	
FOR THE UNIVERSITY OF WASHINGTON		University of Washington.
The Following Capital Projects:		
Construct Mechanical Engineering Building General Fund—University of Washington Building Account Reappropriation.....	\$50,000	

Capital appropriations.
For—
University of Washington.

Construct New Building for Washington State Museum	
General Fund—University of Washington Building Account Reappropriation.....	\$435,000
Construct General Engineering Building	
General Fund—University of Washington Building Account Reappropriation.....	\$550,000
General Fund—University of Washington Building Account Appropriation.....	\$200,000
Construct Addition to Library	
General Fund—Institutional Building Construction Account Reappropriation.....	\$1,500,000
Construct Business Administration Building	
General Fund—University of Washington Building Account Reappropriation.....	\$700,000
Construct Addition to Power House, Install Underground Utilities, and Expand Coal Handling Facilities, Ash Disposal Equipment, and Structure to House Feed, Water, and Heating Equipment	
General Fund—University of Washington Building Account Reappropriation.....	\$904,460
Construct Reactor Building (Mechanical Engineering Wing)	
General Fund—University of Washington Building Account Appropriation.....	\$50,000
Construct Mid-campus Utility Tunnel	
General Fund—University of Washington Building Account Appropriation.....	\$900,000
Construct Buildings and Grounds Building	
General Fund—University of Washington Building Account Appropriation.....	\$487,850

State College of Washington.

FOR THE STATE COLLEGE OF WASHINGTON

The Following Capital Projects:

Install Site Improvements, Northwest Washington Experiment Station, Mount Vernon	
General Fund Reappropriation.....	\$16,160
Expand Utility Systems to Accommodate New Buildings	
General Fund Reappropriation.....	\$330,542
Construct Poultry and Dairy Buildings	
General Fund—State Building Construction Account Reappropriation.....	\$250,000

Construct Plant Sciences Building		
General Fund—State Building Construction		For—
Account Reappropriation	\$1,200,000	State College
General Fund Reappropriation	\$347,615	of Washington.
General Fund—Institutional Building Construction		
Account Reappropriation	\$1,451,675	
General Fund—State Building Construction		
Account Appropriation	\$100,000	
Construct Addition to Veterinary Clinic		
General Fund—State Building Construction		
Account Reappropriation	\$1,000,000	
General Fund—State Building Construction		
Account Appropriation	\$25,000	
General Fund Reappropriation	\$100,000	
Renovate Buildings; Construct Minor Farm,		
Industrial, and Agricultural Buildings;		
Modernize Laboratories; Install Minor		
Utility Extensions; Remodel Classrooms		
and Offices; and Install Roads, Curbs, Gut-		
ters, Fences, and Other Site Improve-		
ments		
General Fund—State College of Washington		
Building Account Reappropriation	\$285,000	
General Fund—State College of Washington		
Building Account Appropriation	\$935,000	
Construct Addition to Power Plant		
General Fund—Institutional Building Construction		
Account Reappropriation	\$300,110	
Purchase Agricultural Land		
General Fund—State Building Construction		
Account Reappropriation	\$56,400	
General Fund—State Building Construction		
Account Appropriation	\$288,000	
Construct Addition to Chemistry Building		
General Fund—Institutional Building Construction		
Account Reappropriation	\$1,957,592	
General Fund—State Building Construction		
Account Appropriation	\$78,295	
Construct Addition to Technology Building		
General Fund—Institutional Building Construction		
Account Reappropriation	\$1,786,779	
General Fund—State Building Construction		
Account Appropriation	\$39,511	

Capital appropriations. For—State College of Washington.

Construct Biological Science Building	
General Fund—Institutional Building Construction Account Reappropriation	\$1,318,205
General Fund—State Building Construction Account Appropriation	\$81,795
Install Replacements, Water Distribution System	
General Fund—State Building Construction Account Appropriation	\$200,000
Develop and Improve Agricultural Land	
General Fund—State Building Construction Account Appropriation	\$75,000

Eastern Washington College of Education.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION

The Following Capital Projects:

Construct Laboratory School	
General Fund—State Building Construction Account Reappropriation	\$161,000
Install Elevator	
General Fund—State Building Construction Account Reappropriation	\$25,000
Install Sidewalks	
General Fund—State Building Construction Account Reappropriation	\$12,000
Construct Science Building	
General Fund—Institutional Building Construction Account Reappropriation	\$2,069,500
General Fund—State Building Construction Account Appropriation	\$235,000
Construct Warehouse—Garage	
General Fund—Institutional Building Construction Account Reappropriation	\$50,000
General Fund—State Building Construction Account Appropriation	\$1,500
Install Additional Boiler in Heating Plant and Extend Steam Distribution Lines	
General Fund—State Building Construction Account Appropriation	\$183,700

Central Washington College of Education.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION

The Following Capital Projects:

Construct Health and Physical Education Building, and Develop and Improve Ad-	
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jacent Land for Physical Education Activities		For— Central Wash- ington College of Education.
General Fund—State Building Construction Account Reappropriation	\$368,380	
General Fund—State Building Construction Account Appropriation	\$214,500	
Construct Education and Psychology Building		
General Fund—Institutional Building Con- struction Account Reappropriation	\$955,836	
General Fund—State Building Construction Account Appropriation	\$107,080	
Construct Library Building		
General Fund—Institutional Building Con- struction Account Reappropriation	\$1,522,456	
General Fund—State Building Construction Account Appropriation	\$115,698	
Construct Central Storage Building		
General Fund—Institutional Building Con- struction Account Reappropriation	\$42,310	
Renovate and Extend Electrical and Steam Distribution Systems, Campus Lighting System, and Clock System		
General Fund—State Building Construction Account Appropriation	\$253,240	
Replace Roofs on 5 Buildings		
General Fund—State Building Construction Account Appropriation	\$6,715	
Remodel Portions of Science, Foods Labora- tory, Elementary School Classroom, and Music Buildings		
General Fund—State Building Construction Account Appropriation	\$37,499	
Install Permanent Roads, Curbs, Sidewalks, Surfaced Parking Areas, Landscaping and Other Site Improvements		
General Fund—State Building Construction Account Appropriation	\$41,600	
Purchase Land for Campus Extension		
General Fund—State Building Construction Account Appropriation	\$180,435	

FOR THE WESTERN WASHINGTON COLLEGE
OF EDUCATION

Western Wash-
ington College
of Education.

The Following Capital Projects:
Construct Science Building

Capital appropriations. For—Western Washington College of Education.

General Fund—State Building Construction Account Reappropriation	\$1,441,717
General Fund Reappropriation	\$172,000
General Fund—State Building Construction Account Appropriation	\$185,656
Purchase and Improve Land for Campus Expansion	
General Fund—State Building Construction Account Reappropriation	\$25,746
General Fund—State Building Construction Account Appropriation	\$86,000
Construct Addition to Physical Education Building	
General Fund—Institutional Building Construction Account Reappropriation	\$957,123
General Fund—State Building Construction Account Appropriation	\$26,854
Construct Addition to Power Plant and Install High Pressure Boiler	
General Fund—Institutional Building Construction Account Reappropriation	\$173,445
Renovate Old Main and Convert Science Annex to Classrooms and Offices	
General Fund—State Building Construction Account Appropriation	\$98,500
Convert Lounge and Fountain Rooms in Music Building to Classrooms and Offices	
General Fund—State Building Construction Account Appropriation	\$18,000

Eastern Washington Historical Society.

FOR THE EASTERN WASHINGTON HISTORICAL SOCIETY

The Following Capital Project:

Construct New Museum Building	
General Fund Appropriation	\$27,287

Parks and Recreation Commission.

FOR THE PARKS AND RECREATION COMMISSION

The Following Capital Projects:

—Alta Lake Park.

Construct Comfort Station, Alta Lake State Park	
General Fund—Parks and Parkways Account Reappropriation	\$11,000

—Birch Bay Park.

Construct Superintendent's Residence, Birch Bay State Park	
General Fund—Parks and Parkways Account Reappropriation	\$15,000

Construct Kitchen, Water, Sewer and Electric Services, Brooks Memorial State Park General Fund—Parks and Parkways Account Reappropriation	\$27,000	For— —Brooks Memorial Park.
Acquire and Develop Land, Dosewallips River State Park General Fund—Parks and Parkways Account Reappropriation	\$76,000	—Dosewallips River Park.
Construct Museum, Water, Sewer and Electric Services, Fort Okanogan State Park General Fund—Parks and Parkways Account Reappropriation	\$87,000	—Fort Okanogan Park.
Construct Superintendent's Residence, Fort Simcoe State Park General Fund—Parks and Parkways Account Reappropriation	\$15,000	—Fort Simcoe Park.
Construct Comfort Station, Kopachuck State Park General Fund—Parks and Parkways Account Reappropriation	\$12,000	—Kopachuck Park.
Improve Water System, Lake Chelan State Park General Fund—Parks and Parkways Account Reappropriation	\$11,000	—Lake Chelan Park.
Improve Picnic Area, Lake Osoyoos State Park General Fund—Parks and Parkways Account Reappropriation	\$6,670	—Lake Osoyoos Park.
Improve Roads and Parking Area, Mt. Pilchuck State Park General Fund—Parks and Parkways Account Reappropriation	\$12,000	—Mt. Pilchuck Park.
Improve Roads and Water System, Mt. Spokane State Park General Fund—Parks and Parkways Account Reappropriation	\$5,670	—Mt. Spokane Park.
Construct Comfort Station, Water, Sewer and Electric Services, Ocean City State Park General Fund—Parks and Parkways Account Reappropriation	\$28,000	—Ocean City Park.
Construct Comfort Station, Penrose Point State Park General Fund—Parks and Parkways Account Reappropriation	\$7,680	—Penrose Point Park.
Improve Roads and Water System, Riverside State Park General Fund—Parks and Parkways Account Reappropriation	\$16,000	—Riverside Park.

Capital appropriations. For—Parks and Recreation Commission.	Improve Roads and Water System, Sequim Bay State Park General Fund—Parks and Parkways Account Reappropriation	\$15,300
—Sun Lakes Park.	Construct Buildings, Water, Sewer and Electric Services at Sun Lakes State Park General Fund—Parks and Parkways Account Reappropriation	\$42,600
—Alta Lake Park.	Purchase and Develop Land, Alta Lake State Park General Fund—Parks and Parkways Account Appropriation	\$70,000
—Rock Park.	Purchase and Develop Land, Beacon Rock State Park General Fund—Parks and Parkways Account Appropriation	\$20,000
—Belfair Park.	Develop Land, Belfair State Park General Fund—Parks and Parkways Account Appropriation	\$40,000
—Birch Bay Park.	Develop Land, Birch Bay State Park General Fund—Parks and Parkways Account Appropriation	\$30,000
—Bogachiel Park.	Develop Land, Bogachiel State Park General Fund—Parks and Parkways Account Appropriation	\$10,000
—Bridgeport Park.	Develop Land, Bridgeport State Park General Fund—Parks and Parkways Account Appropriation	\$20,000
—Brooks Memorial Park.	Develop Land, Brooks Memorial State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Curlew Lake Park.	Develop Land, Curlew Lake State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Deception Pass Park.	Develop Land, Deception Pass State Park General Fund—Parks and Parkways Account Appropriation	\$40,000
—Dash Point Park.	Develop Land, Dash Point State Park General Fund—Parks and Parkways Account Appropriation	\$70,000
—Conconully Park.	Provide Swimming Facilities, Conconully State Park General Fund—Parks and Parkways Account Appropriation	\$7,500

Develop Land, Dosewallips River State Park General Fund—Parks and Parkways Ac- count Appropriation	\$25,000	For— —Dosewallips River Park.
Purchase and Develop Land, East Wenatchee State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—East Wenat- chee Park.
Purchase and Develop Land, Easton Reservoir State Park General Fund—Parks and Parkways Ac- count Appropriation	\$40,000	—Easton Res- ervoir Park.
Develop Land, Fay Bainbridge State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Fay Bain- bridge Park.
Develop Land, Fort Canby State Park General Fund—Parks and Parkways Ac- count Appropriation	\$40,000	—Fort Canby Park.
Develop Land, Fort Casey State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Fort Casey Park.
Develop Land, Fort Flagler State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Fort Flagler Park.
Develop Land, Fort Simcoe State Park General Fund—Parks and Parkways Ac- count Appropriation	\$20,000	—Fort Simcoe Park.
Purchase and Develop Land, Fort Ward State Park General Fund—Parks and Parkways Ac- count Appropriation	\$75,000	—Fort Ward Park.
Develop Land, Kamiak Butte State Park General Fund—Parks and Parkways Ac- count Appropriation	\$20,000	—Kamiak Butte Park.
Develop Land, Kitsap Memorial State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Kitsap Memorial Park.
Develop Land, Kopachuck State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Kopachuck Park.
Develop Land, Lake Chelan State Park General Fund—Parks and Parkways Ac- count Appropriation	\$30,000	—Lake Chelan Park.
Develop Land, Lake Cushman General Fund—Parks and Parkways Ac- count Appropriation	\$25,000	—Lake Cushman.

Capital appropriations. For—Parks and Recreation Commission.	Purchase and Develop Land, Lake Osoyoos State Park General Fund—Parks and Parkways Account Appropriation	\$45,000
—Lake Sammamish Park.	Develop Land, Lake Sammamish State Park General Fund—Parks and Parkways Account Appropriation	\$40,000
—Lake Stevens Park.	Purchase and Develop Land, Lake Stevens State Park General Fund—Parks and Parkways Account Appropriation	\$125,000
—Lake Wenatchee Park.	Develop Land, Lake Wenatchee State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Larrabee Park.	Develop Land, Larrabee State Park General Fund—Parks and Parkways Account Appropriation	\$20,000
—Lewis and Clark Park.	Purchase and Develop Land, Lewis and Clark State Park General Fund—Parks and Parkways Account Appropriation	\$10,000
—Long Lake Park.	Develop Land, Long Lake State Park General Fund—Parks and Parkways Account Appropriation	\$5,000
—Millersylvania Park.	Develop Land, Millersylvania State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Moran Park.	Develop Land, Moran State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Moses Lake Park.	Develop Land, Moses Lake State Park General Fund—Parks and Parkways Account Appropriation	\$20,000
—Mt. Pilchuck Park.	Develop Land, Mt. Pilchuck State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Mt. Spokane Park.	Develop Land, Mt. Spokane State Park General Fund—Parks and Parkways Account Appropriation	\$60,000
—Mukilteo Park.	Develop Land, Mukilteo State Park General Fund—Parks and Parkways Account Appropriation	\$30,000
—Ocean City Park.	Develop Land, Ocean City State Park General Fund—Parks and Parkways Account Appropriation	\$15,000

Develop Land, Old Fort Townsend State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	For— —Old Fort Townsend Park.
Develop Land, Palouse Falls State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Palouse Falls Park.
Develop Land, Paradise Point State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Paradise Point Park.
Develop Land, Peace Arch State Park General Fund—Parks and Parkways Ac- count Appropriation	\$5,000	—Peace Arch Park.
Develop Land, Pearrygin Lake State Park General Fund—Parks and Parkways Ac- count Appropriation	\$20,000	—Pearrygin Lake Park.
Develop Land, Penrose Point State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Penrose Point Park.
Develop Land, Potholes Reservoir State Park General Fund—Parks and Parkways Ac- count Appropriation	\$5,000	—Potholes Res- ervoir Park.
Purchase and Develop Land, Riverside State Park General Fund—Parks and Parkways Ac- count Appropriation	\$75,000	—Riverside Park.
Develop Land, Rockport State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Rockport Park.
Develop Land, Sacajawea State Park General Fund—Parks and Parkways Ac- count Appropriation	\$15,000	—Sacajawea Park.
Develop Land, Saltwater State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Saltwater Park.
Develop Land, Sequest State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Sequest Park.
Develop Land, Sequim Bay State Park General Fund—Parks and Parkways Ac- count Appropriation	\$10,000	—Sequim Bay Park.
Develop Land, South Whidbey State Park General Fund—Parks and Parkways Ac- count Appropriation	\$35,000	—South Whid- bey Park.

Capital appropriations. For—Parks and Recreation Commission.—Steamboat Rock Park.	Develop Land, Squillchuck State Park General Fund—Parks and Parkways Account Appropriation	\$15,000
	Develop Land, Steamboat Rock State Park General Fund—Parks and Parkways Account Appropriation	\$30,000
—Sun Lakes Park.	Develop Land, Sun Lakes State Park General Fund—Parks and Parkways Account Appropriation	\$60,000
—Twanoh Park.	Develop Land, Twanoh State Park General Fund—Parks and Parkways Account Appropriation	\$35,000
—Twin Harbors Park.	Develop Land, Twin Harbors State Park General Fund—Parks and Parkways Account Appropriation	\$25,000
—Wapato Lake Park.	Purchase and Develop Land, Wapato Lake State Park General Fund—Parks and Parkways Account Appropriation	\$35,000
—Wenberg Park.	Purchase and Develop Land, Wenberg State Park General Fund—Parks and Parkways Account Appropriation	\$10,000
—Yakima Park.	Develop Land, Yakima State Park General Fund—Parks and Parkways Account Appropriation	\$20,000
—Miscellaneous.	Develop State Park Lands, Develop Boat Moorages, Group Camps, Historical Sites, and Archeological Surveys General Fund—Parks and Parkways Account Appropriation	\$232,500

Department of Commerce and Economic Development.

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

The Following Capital Projects:

Acquire and Develop Site, and Purchase, Construct or Acquire Buildings for World Fair	
World Fair Fund Reappropriation.....	\$5,600,000

Department of Fisheries.

FOR THE DEPARTMENT OF FISHERIES

The Following Capital Projects:

Construct, Control, and Prepare Fish Farm Rearing Areas, and Expand Hatchery Egg and Fry Incubation Facilities to Supply Fish Farms	
General Fund—State Building Construction Account Reappropriation	\$67,782

General Fund Appropriation.....	\$460,000	For— Department of Fisheries.
Install Capital Improvements to Hatcheries and to Shellfish Laboratory General Fund Appropriation.....	\$818,550	
General Fund—State Building Construction Account Appropriation	\$79,800	
Purchase Land for Hatchery Expansion and for Salt Water Access Sites General Fund Appropriation.....	\$24,000	
General Fund—State Building Construction Account Appropriation	\$39,200	
Install Fish Passage Devices and Diversion Screens, and Clear Stream Obstructions General Fund Appropriation.....	\$192,500	
Construct Engineering Shop Buildings at Is- saquah General Fund—State Building Construction Account Appropriation	\$20,000	
Construct Fishways and Improve Existing Fishways General Fund Appropriation.....	\$261,750	
Renovate Structures and Other Property Dam- aged by Floods, Fire, or Earthquake General Fund Appropriation.....	\$40,000	
Construct New Hatcheries at Kalama, Grays River, Yakima, Tucannon River, and Spirit Lake General Fund Reappropriation.....	\$1,025,894	
General Fund Appropriation.....	\$280,000	
Construct New Hatchery, Skokomish River General Fund—State Building Construction Account Appropriation	\$50,000	
FOR THE DEPARTMENT OF GAME		Department of Game.
The Following Capital Projects:		
Construct 60 Brooder Houses and Pens on Game Farms Game Fund Appropriation.....	\$88,000	
Construct Garage and Workshop and Develop New Water Supply at Ford Hatchery Game Fund Appropriation	\$50,000	
Construct Fish and Game Rearing and Pro- tective Facilities Game Fund Appropriation	\$1,500,000	

Capital appropriations. For—Department of Game.

Purchase Land for Public Shooting Areas, Big Game Winter Ranges, Lake and Stream Access Areas, and Upland Game Bird Habitat Improvement Game Fund Appropriation.....	\$420,000
Purchase Headquarters Building and Construct or Acquire Warehouse and Shop, Olympia Game Fund Appropriation.....	\$350,000
Reconstruct Mossyrock Hatchery on New Site Game Fund Appropriation	\$200,000
Renovate Structures and Other Property Damaged by Floods, Fire, or Earthquake, and Renovate Water Supply Systems Game Fund Appropriation.....	\$150,000

Department of Natural Resources.

FOR THE DEPARTMENT OF NATURAL RESOURCES

The Following Capital Projects:

Construct Lookout Towers, District and Sub-district Headquarters Buildings and Crew Quarters General Fund Appropriation.....	\$100,800
General Fund—State Building Construction Account Appropriation	\$349,000
Construct New Honor Camps and Additions to Existing Camps, and Purchase Land for Timber Access Road Rights of Way General Fund—State Building Construction Account Appropriation	\$453,500
General Fund—Forest Development Account Appropriation	\$10,000
Construct Additions to Olympia Shops and Northwest District Radio Shop General Fund—State Building Construction Account Appropriation	\$41,000
Construct Storage Buildings and Additions at Nurseries General Fund—State Building Construction Account Appropriation	\$10,400

Department of Employment Security.

FOR THE DEPARTMENT OF EMPLOYMENT SECURITY

The Following Capital Projects:

Construct Central or Local Office Buildings General Fund Appropriation.....	\$3,000,000
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Provided, That this appropriation shall be available only to the extent that federal funds under section 903 of the Federal

Social Security Act are made available for this purpose: *Provided*, That this appropriation is made pursuant to and is limited by provisions of section 903-c(2) of the Federal Social Security Act as amended: *Provided further*, That any unexpended balance of said federal funds shall be promptly returned to the account of the State of Washington in the Unemployment Compensation Trust Fund as may be required by federal law or regulation.

SEC. 2. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

"Capital improvement,"
"capital project."

SEC. 3. Before a capital project shall begin or any obligation incurred or contract entered into, the Budget Director, with the approval of the Governor, shall first allot funds therefor or so much as may be necessary from the appropriations made herein.

Allotment before obligations incurred.

SEC. 4. Additional federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the Governor for capital projects included in the capital budget.

Excess receipts, gifts, allotment of.

SEC. 5. To effectively carry out the provisions of this act, the Governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

Responsibilities assignable by governor.

SEC. 6. Reappropriations shall be limited to the unexpended balances remaining at June 30, 1959, in the current appropriation for each project.

Reappropriations limited.

SEC. 7. Any capital improvement or capital project for construction, repair, or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done

Project requisites.

Capital
appropriations.

by contract after public notice and competitive bid: *Provided*, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred dollars, nor to portions of projects involving inmate labor at a state institution.

Passed the House March 26, 1959.

Passed the Senate March 26, 1959.

Approved by the Governor April 3, 1959.

AUTHENTICATION

I, Victor A. Meyers, 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 Extraordinary Session of the Thirty-Sixth Legislature of the State of Washington, held from March 13, 1959, until March 27, 1959, inclusive, with the original enrolled laws, now on file in my 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 [], 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 tenth day of July, 1959.



A handwritten signature in cursive script that reads "Victor A. Meyers".

VICTOR A. MEYERS,
Secretary of State

INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS

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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (**State Wide Prohibition**)—Filed January 8, 1914. Submitted to the voters November 3, 1914; **passed. Now identified as Chapter 2, Laws of 1915.**
- 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 voters November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters November 3, 1914; failed to pass.
- *INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)—Filed January 30, 1914. Submitted to the voters November 3, 1914; **passed. Now identified as Chapter 1, Laws of 1915.**
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters 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 voters November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (**Legislature 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 (**Legislative 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 voters November 7, 1914; failed to pass.

* Indicates initiative measure was approved into law.

- 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 voters November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (**Repealing State Wide Prohibition**)—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 of 1915, Relating to Regulation of Common Carriers**)—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 of 1919, Relating to Prevention of Criminal Syndicalism**)—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 of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.

- *INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)**—Filed January 18, 1922. Submitted to the voters November 7, 1922; passed. Now identified as Chapter 1, Laws of 1923.
- 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 (Legislative Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the voters 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 voters November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Filed February 21, 1924. Submitted to the voters 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 voters 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. Refined as Initiative Measure No. 57.
- *INITIATIVE MEASURE NO. 57 (Re-districting State for Legislative Purposes)**—Filed April 25, 1930. Submitted to the voters November 4, 1930; passed. Now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE NO. 58 (Permanent Registration)**—Filed January 9, 1932. Submitted to the voters November 8, 1932; passed. Now identified as Chapter 1, Laws of 1933.
- 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.

* Indicates initiative measure was approved into law.

- *INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)**—Filed January 9, 1932. Submitted to the voters November 8, 1932; **passed. Now identified as Chapter 2, Laws of 1933.**
- *INITIATIVE MEASURE NO. 62 (Creating Department of Game)**—Filed January 9, 1932. Submitted to the voters November 8, 1932; **passed. Now identified as Chapter 3, Laws of 1933.**
- 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 voters November 8, 1932; **passed. Now identified as Chapter 4, Laws of 1933.**
- 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 voters November 8, 1932; **passed. Now identified as Chapter 5, Laws of 1933. (State Supreme Court ruled act unconstitutional.)**
- 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 voters November 6, 1934; **passed. Now identified as Chapter 1, Laws of 1935.**
- 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.

* Indicates initiative measure was approved into law.

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- 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 voters November 6, 1934; passed. Now identified as **Chapter 2, Laws of 1935.**
- 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 voters November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
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- 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 voters November 3, 1936; **passed. Now identified as
Chapter 1, Laws of 1937.**
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936.
Submitted to the voters 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 voters 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 Jan-
uary 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed
February 9, 1938. No petition filed.
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- 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 voters November 8, 1938; passed. Now identified as Chapter 1, Laws of 1939.
- 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 voters November 8, 1938; passed. Now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the voters 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 voters 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 voters November 5, 1940; passed. Now identified as Chapter 1, Laws of 1941.
- 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. Re filed as Initiative Measure No 147.
- INITIATIVE MEASURE NO. 145 (**Government Reorganization**)—Filed March 18, 1940. No petition filed.

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- 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 voters 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. Refiled as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (**Liberalization of Old Age Assistance Laws**)—Filed March 3, 1944. Submitted to the voters 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 voters November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 159 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from employing members of the Legislature during the term for which he shall have been elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.

- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, and found sufficient. Measure rejected by voters at November 5, 1946, State General Election.
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions filed for canvassing.
- *INITIATIVE MEASURE NO. 169 (**Providing Bonus to Veterans of World War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. **Measure approved into law at November 2, 1948, State General Election and became identified as Chapter 4, Laws of 1949.** However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE NO. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. **Measure certified to November 2, 1948, State General Election Ballot and approved into law. Now identified as Chapter 5, Laws of 1949.**
- *INITIATIVE MEASURE NO. 172 (**Relating to Liberalization of Social Security Laws**)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. **Measure certified to November 2, 1948, State General Election Ballot and approved into law. Now identified as Chapter 6, Laws of 1949.**
- INITIATIVE MEASURE NO. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for girls under non-partisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

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- INITIATIVE MEASURE NO. 176 (**Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation**)—Filed April 20, 1950. Submitted to the voters November 7, 1950; failed to pass.
- INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- *INITIATIVE MEASURE NO. 178 (**Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health**)—Filed May 5, 1950. Submitted to the voters November 7, 1950; passed. Now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (**Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating**)—Filed May 5, 1950. No Signature petitions presented for canvassing.
- *INITIATIVE MEASURE NO. 180 (**Authorizing the Manufacture, Sale and Use of Colored Oleomargarine**)—Filed February 4, 1952. Submitted to the voters November 4, 1952; passed. Now identified as Chapter 1, Laws of 1953.
- *INITIATIVE MEASURE NO. 181 (**Prescribing the Observance of Standard Time**)—Filed February 27, 1952. Submitted to the voters November 4, 1952; passed. Now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters November 4, 1952; failed to pass.
- INITIATIVE MEASURE NO. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (**Providing a Civil Service System for Employees of County Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (**Permitting a Modified Coloring of Oleomargarine**)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (**Raising Standards for Chiropractic Examinations**)—Filed January 4, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE MEASURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.

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- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE MEASURE NO. 193 (**Statewide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE MEASURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE MEASURE NO. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (**Amending the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (**Affecting Employer-Employee Relations**)—Filed January 19, 1956. Submitted to the voters at the November 6, 1956 state general election and measure rejected.
- ***INITIATIVE MEASURE NO. 199 (Legislative Reapportionment and Redistricting)**—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election and measure approved into law. **Now identified as Chapter 5, Laws of 1957.** However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (**Increasing Public Assistance Benefits**)—Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (**Washington Fair Labor Standards Act**)—Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (**Restricting Labor Agreements**)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the November 4, 1958 state general election. Voters rejected measure which was similar to initiative No. 198 and suffered the same fate.
- INITIATIVE MEASURE NO. 203 (**Wood Pulp Waste Tax**)—Filed February 28, 1959. No signature petitions presented for checking.

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INITIATIVES TO THE LEGISLATURE

- ***INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—
Filed October 25, 1928. Submitted to the voters November 4, 1930; passed.
Now identified as Chapter 1, Laws of 1931.
- ***INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—
Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now
identified as Chapter 26, Laws of 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. Replied as Initiative to the Legislature No. 8.
- 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 Liq-
uors**)—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. Now
identified as Chapter 15, Laws of 1943. Act invalidated through Referen-
dum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and
Wine to State Liquor Stores**)—This measure the same as Initiative Measure
No. 163 and was filed August 23, 1946. Signature petitions filed January 3,
1947, and found sufficient. Certified to 1947 Legislature which took no
final action. Measure submitted to the voters November 2, 1948, State
General Election. Voted down.
- INITIATIVE TO THE LEGISLATURE NO. 14 (**Re-appointment of State
Legislative Districts**)—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (**Establishing a Civil Service
System for the Employees of the State of Washington**)—Filed October 16,
1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (**Providing for the Election
of State Game Commissioners**)—Filed September 8, 1948. No signature
petitions presented.
- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Com-
mittee Hearings**)—Filed October 16, 1948. No signature petitions filed.

* Indicates initiative measure became law.

- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)—This measure the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)—Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (**Civil Service for Sheriff's Employees**)—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. Measure certified to the 1957 Legislature which took no final action. For this reason, measure was submitted to the voters at the November 4, 1958 state general election for acceptance or rejection. Voters approved measure into law. **Act now identified as Chapter 1, Laws of 1959.**
- INITIATIVE TO THE LEGISLATURE NO. 24 (**Limiting Dams in Fish Sanctuaries**)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 25 (**Dam Construction and water Diversion**)—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. Measure certified to Legislature as of February 26, 1959. Legislature failed to take final action and consequently measure will be submitted to the voters at the November 8, 1960 state general election for final decision.

* Indicates initiative measure became law.

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 of 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 of 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 of 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 of 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people November 7, 1916; *failed to pass.
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws of 1915, Budget System**)—Filed March 25, 1915. Submitted to the people November 7, 1916; *failed to pass.
- REFERENDUM MEASURE NO 10 (**Chapter 19, Laws of 1917, Bone Dry Law**)—Filed February 20, 1917. Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws of 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws of 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws of 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people November 7, 1922; *failed to pass.
- REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws of 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws of 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people November 7, 1922; *failed to pass.
- REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws of 1921, Primary Nominations and Registrations**)—Filed April 9, 1921. Submitted to the people November 7, 1922; *failed to pass.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws of 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people November 7, 1922; ***failed to pass.**
- REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws of 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people November 4, 1924; ***failed to pass.**
- REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws of 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws of 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 of 1933, Horse Racing**)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (**Chapter 118, Laws of 1935, Regulating Pilots**)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (**Chapter 26, Laws of 1935, Blanket Primary Ballot**)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (**Chapter 209, Laws of 1941, Industrial Insurance**)—Filed April 3, 1941. Submitted to the people November 3, 1942; passed.
- REFERENDUM MEASURE NO. 23 (**Chapter 158, Laws of 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 of 1941, Prosecuting Attorneys; 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 of 1943, Relating to Public Utility Districts**)—Filed March 18, 1943. Submitted to the people November 7, 1944; ***failed to pass.**
- REFERENDUM MEASURE NO. 26 (**Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; ***failed to pass.**
- REFERENDUM MEASURE NO. 27 (**Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; ***failed to pass.**
- REFERENDUM MEASURE NO. 28 (**Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation**)—Filed March 30, 1949. Signature petitions filed June 8, 1949, and found sufficient. Submitted to the people November 7, 1950; ***failed to pass.**
- REFERENDUM MEASURE NO. 29 (**Portion of Chapter 190, Laws of 1949 amending State Insurance Code**)—Filed April 2, 1949. No signature petitions presented for canvassing.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURE NO. 30 (**Chapter 280, Laws of 1957—Inheritance Tax on Insurance Proceeds**)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the November 4, 1958 state general election; ***failed to pass.**

REFERENDUM MEASURE NO. 31 (**Portion of Chapter 297, Laws of 1959 authorizing corporations and joint stock associations to practice engineering**)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (Chapter 99, Laws of 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 of 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 of 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 of 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.**
- REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)**—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)**—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)**—Filed March 22, 1949. Submitted to the people November 7, 1950; failed to pass.
- REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)**—Filed March 26, 1957. Measure submitted to the voters for acceptance or rejection at the November 4, 1958 state general election; **passed.**

**HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS
SINCE STATEHOOD**

- 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: **Appropriation.** 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.
- No. 19. To Article VII, creating a Section 3. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. To Section 1 of Article XXVII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. To Section 4 of Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.

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- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. To Article XI, creating a Section 16. Re: **Permit the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. To Article II, Section 33. **Permits ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. To Article IV, creating a Section 3(a). Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. To Article II, creating a Section 41. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. To Section 6 of Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. To Sections 6 and 10 of Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. To Article II, Section 33. **Redefines "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding a new section to Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. To Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending the 13th Amendment. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. To Section 1, Article XXIV. Re: **State boundaries: Modification by compact.** Adopted November, 1958.
- No. 34. To Section 11, Article I. Re: **State institutions: Employment of chaplains.** Adopted November, 1958.
- No. 35. To Section 25, Article II. Re: **Pensions and employees' extra compensation.** Adopted November, 1958.

**TEXT OF CONSTITUTIONAL AMENDMENTS APPROVED BY
THE VOTERS AT THE STATE GENERAL ELECTION
HELD NOVEMBER 4, 1958**

Amendment 33: (S. J. R. No. 10 of the 1959 Legislature) **State Boundaries: Modification by Compact.**

Article 24, Sec. 1. STATE BOUNDARIES. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kookooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning; until such boundaries are modified by appropriate interstate compacts duly approved by the Congress of the United States. (Effective December 4, 1958.)

Amendment 34: (S. J. R. No. 14 of the 1959 Legislature) **State Institutions: Employment of Chaplains.**

Article 1, Sec. 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of

justice touching his religious belief to affect the weight of his testimony. (Effective December 4, 1958.)

Amendment 35: (S. J. R. No. 18 of 1959 Legislature) Pensions and Employees' Extra Compensation.

Article 2, Sec. 25. The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted. (Effective December 4, 1958.)

**PROPOSED CONSTITUTIONAL AMENDMENT TO BE
VOTED UPON AT THE NOVEMBER 8, 1960
STATE GENERAL ELECTION**

SENATE JOINT RESOLUTION NO. 4

***BALLOT TITLE**

OWNERSHIP OF LAND BY ALIENS

Shall the constitutional restriction upon the ownership of land in the State of Washington by aliens be removed by repealing Section 33, Article II as amended by Amendments 24 and 29 of the State Constitution?

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of this state, for their adoption or rejection, the following proposed amendment to the Constitution of the State of Washington:

Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the State of Washington are each hereby repealed.

And Be It Further Resolved, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed by the Senate February 27, 1959.

Passed by the House February 26, 1959.

* As prepared by John J. O'Connell, Attorney General.

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Section 28.57.180	amended	268	14 1266
Section 28.57.340	amended	268	6 1261
Section 28.57.350	amended	268	7 1262
Section 28.57.360	amended	268	8 1263
Section 28.57.370	amended	268	9 1264
Section 28.58.130	enacted	216	21 1012
Section 28.63.100	enacted	216	12 1010
Section 28.63.110	enacted	216	13 1011
Section 28.63.120	amended	216	14 1011
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Section 28.63.140	amended	216	16 1011
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Section 28.63.170	amended	216	20 1012
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Section 28.66.070	enacted	216	22 1013
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Section 28.77.030	amended	186	1 845
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Section 28.77.510	amended	193	2 855
Section 28.77.520	amended	193	3 855
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Section 28.77.540	amended	193	5 858
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Section 29.79.380	enacted 329	11	1623
Section 29.79.390	amended 329	12	1623
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Section 30.08.020	amended 118	1	640
Section 30.12.060	amended 165	1	773
Section 30.12.080	amended 106	3	587
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Section 30.20.060	amended 106	5	588
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Section 31.08.150	amended 212	4	974
Section 31.08.160	amended 212	5	975
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Section 31.08.180	amended 212	7	982
Section 31.08.190	amended 212	8	982
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Section 31.12.090	amended 138	1	688
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Section 52.16.070	amended	221	2 1036
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