

SESSION LAWS

OF THE

STATE OF WASHINGTON

TWENTY-EIGHTH SESSION

Convened January 11, Adjourned March 11

1943

Compiled in Chapters by BELLE REEVES,
Secretary of State

MARGINAL NOTES AND INDEX

By
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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-eighth Legislature of the State of Washington convened at 12 o'clock noon, January 11, 1943 (being the second Monday in January), and adjourned *sine die* March 11, 1943.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock midnight, June 9, 1943, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

BELLE REEVES,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Eighth Regular Session

1943

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred and eighty thousand dollars (\$180,000.00), or so much thereof as may be necessary, for the actual and necessary expenses of the Twenty-eighth Legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund of the State of Washington, the sum of one hundred and eighty thousand dollars (\$180,000.00), or so much thereof as may be necessary, to be used for the purpose of paying the expenses except legislative printing of the Twenty-eighth Legislature of the State of Washington, convening January 11, 1943. Appropriation.

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

Passed the Senate January 11, 1943.

Passed the House January 11, 1943.

Approved by the Governor January 13, 1943.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary for the printing of the Twenty-eighth Legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the Twenty-eighth Session of the Legislature, convened January 11, 1943, or either branch thereof.

Effective immediately.

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

Passed the Senate January 11, 1943.

Passed the House January 11, 1943.

Approved by the Governor January 13, 1943.

CHAPTER 3.

[S. B. 3.]

SUBSISTENCE EXPENSES FOR LEGISLATORS

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

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

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

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

Passed the Senate January 11, 1943.

Passed the House January 11, 1943.

Approved by the Governor January 13, 1943.

CHAPTER 4.

[S. B. 16.]

SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN Act appropriating the sum of forty thousand dollars (\$40,000.00), or so much thereof as may be necessary, for the actual and necessary expenses of the members of the Legislature for lodging and subsistence actually incurred and paid by them while absent from their places of residence in the service of the state, amending section 1, chapter 3, Laws of 1943, and declaring an emergency.

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

Amendment. SECTION 1. That section 1, chapter 3, Laws of 1943, be amended to read as follows:

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

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

Passed the Senate January 14, 1943.

Passed the House January 15, 1943.

Approved by the Governor January 20, 1943.

CHAPTER 5.

[H. B. 36.]

TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT appropriating the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary for the temporary publication of Session Laws of the 28th Session of the Washington State Legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary, for the printing and mailing of the temporary publication of the Session Laws of the 28th Session of the Washington State Legislature. Appropriation.

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

Passed the House January 19, 1943.

Passed the Senate January 27, 1943.

Approved by the Governor February 1, 1943.

CHAPTER 6.

[S. B. 48.]

RELATING TO CIVILIAN DEFENSE.

AN Act relating to civilian defense, authorizing counties to engage therein; to appropriate and expend county current expense funds therefor subject to certain limitations; to accept federal, state, and private funds therefor, and providing for the disbursement thereof; to enter into agreements with cities, towns, other counties, and the State of Washington relating thereto and to perform acts and services thereunder; and declaring an emergency.

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

Counties may engage in.

SECTION 1. It shall be lawful for counties to engage in civilian defense.

Appropriation.

SEC. 2. County Commissioners are hereby authorized to appropriate out of the current expense fund, and to expend out of any such monies now or hereafter appropriated, such sums as may by them be deemed necessary to the coordination of civilian defense activities within their county. Any funds so appropriated and expended shall be disbursed in the manner provided by law for the expenditure of other current expense monies and shall be subject to all constitutional and statutory limitations heretofore imposed upon counties in the levying of taxes and the disbursement of the proceeds thereof and in the creation of county indebtedness: *Provided,* That any appropriation from current expense funds for this purpose made by the County Commissioners in 1942 for expenditure in the calendar year 1943 in accordance with their regular budget procedure shall be deemed legal appropriations within the meaning of this act and funds may be lawfully expended therefrom for the purposes herein defined.

Disbursement.

Budget validated.

Authorized to accept funds.

SEC. 3. County Commissioners are hereby authorized to accept from the federal government, the State of Washington, or from private individuals

any sums appropriated or contributed for the coordination of civilian defense activities and to expend such monies for such purposes. All monies accepted under the authority granted in this section shall be placed in the county current expense fund, appropriated therefrom and expended in the manner provided for other current expense fund disbursements.

SEC. 4. County Commissioners shall have the power to enter into agreements jointly with incorporated cities and towns within their counties, with the boards of County Commissioners of adjacent counties, with the State of Washington, or with all of them, relating to the coordination of civilian defense activities and to perform the acts and services necessary to the execution of such agreements: *Provided*, That no monies shall be expended by any board of County Commissioners except in the manner herein provided nor may the authority to commit such funds be delegated.

May make joint agreements.

Limitation of expenditures.

SEC. 5. For the purposes of this act "Civilian Defense" shall mean any organized effort designed by the State Civilian Defense Council, the local Civilian Defense Council, or other public agency, for the protection of public health and safety and the preservation of property, the basic personnel of which is composed of volunteers who are compensated neither in whole nor in part for their services. "The Coordination of Civilian Defense Activities" may extend to the construction and maintenance of observation posts and other similar structures not otherwise available, to transportation of volunteer civilian defense workers to their posts of duty when such transportation would work an unjust or undue hardship upon such workers were it not so provided, to the maintenance of adequate communications facilities where such are vital to public safety and are not otherwise available, and to other similar

Civilian Defense defined.

Coordination of Civilian Defense defined.

Compensation limited.

assistance in the coordination of volunteer effort but may not extend to the compensation of personnel except within the office of county civilian defense coordinator as defined by the State Civilian Defense Council.

Effective immediately.

SEC. 6. This act is necessary for the immediate preservation of public health, peace and safety and shall take effect immediately.

Passed the Senate January 22, 1943.

Passed the House January 27, 1943.

Approved by the Governor February 1, 1943.

CHAPTER 7.

[S. B. 24.]

DEFICIENCY APPROPRIATIONS FOR STATE PENITENTIARY, EASTERN STATE CUSTODIAL SCHOOL AND STATE SCHOOL FOR THE BLIND.

AN ACT making deficiency appropriations for the payment of salaries and wages and operations of the State Penitentiary, Eastern State Custodial School and State School for the Blind and declaring an emergency.

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

Definitions.

SECTION 1. The words "salaries and wages" whenever used in this act shall mean and include salaries and wages of executive officers and employees and all compensation for direct labor or personal service rendered.

The word "operations" whenever used in this act shall mean and include necessary traveling expenses of officers and employees and all expenses necessary for supplies, material, services and maintenance, other than salaries and wages.

Deficiency appropriation.

SEC. 2. By reason of a deficiency existing in the appropriations made by the Twenty-Seventh Regu-

lar Session of the Legislature, the following sums or so much thereof as shall severally be found necessary are hereby appropriated out of any moneys in the several funds in the state treasury hereinafter named and for the purposes hereinbelow designated for the fiscal biennium beginning April 1, 1941 and ending March 31, 1943:

FROM THE GENERAL FUND.

For the Department of Finance, Budget and Business:

State School for the Blind:

Salaries and Wages and Operations.....\$ 5,000.00

Eastern State Custodial School:

Salaries and Wages and Operations..... 20,000.00

Washington State Penitentiary:

Salaries and Wages and Operations..... 25,000.00

Department of Finance, Budget and Business.

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:

Salaries and Wages\$10,000.00

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.

Effective immediately.

Passed the Senate February 1, 1943.

Passed the House January 29, 1943.

Approved by the Governor February 3, 1943.

CHAPTER 8.

[S. B. 25.]

DEFICIENCY APPROPRIATION FOR DEPARTMENT OF LABOR AND INDUSTRIES.

AN ACT making deficiency appropriations for the payment of salaries and wages and workmen's claims and awards for the Department of Labor and Industries and declaring an emergency.

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

Definition.

SECTION 1. The words "salaries and wages" whenever used in this act shall mean and include salaries and wages of executive officers and employees and all compensation for direct labor or personal services rendered.

Deficiency appropriation.

SEC. 2. By reason of a deficiency existing in the appropriations made by the Twenty-Seventh Regular Session of the Legislature, the following sums or so much thereof as shall severally be found necessary are hereby appropriated out of any moneys in several funds in the state treasury hereinafter named and for the purposes hereinbelow designated for the fiscal biennium beginning April 1, 1941 and ending March 31, 1943:

FROM THE GENERAL FUND.

For the Department of Labor and Industries: Salaries and wages.....\$40,000.00

Department of Labor and Industries.

FROM THE MEDICAL AID FUND.

For the Department of Labor and Industries: Salaries and wages.....\$13,000.00 Claims and awards.....500,000.00

Effective immediately.

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 February 1, 1943.

Passed the House January 29, 1943.

Approved by the Governor February 3, 1943.

CHAPTER 9.

[S. B. 26.]

DEFICIENCY APPROPRIATION FOR DEPARTMENT OF SOCIAL SECURITY.

AN ACT making a deficiency appropriation for assistance as provided by law, and for medical care and appliances for the Department of Social Security, and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriations made by the Twenty-Seventh Regular Session of the Legislature, the following sums or so much thereof as shall severally be found necessary are hereby appropriated out of any moneys in the general fund of the state treasury, for the fiscal biennium beginning April 1, 1941 and ending March 31, 1943:

Deficiency appropriation.

For the Department of Social Security: (Division of Old-Age Assistance)	
Assistance as provided by law.....	\$3,000,000.00
Medical Care and Appliances.....	250,000.00

Department of Social Security.

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

Effective immediately.

Passed the Senate February 1, 1943.

Passed the House January 29, 1943.

Approved by the Governor February 3, 1943.

CHAPTER 10.

[S. B. 4.]

SCHOOL DISTRICT ELECTIONS.

AN ACT relating to certain first class school districts; relating to elections therein; repealing all acts in conflict only insofar as they conflict with this act; declaring an emergency.

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

Classification of districts.

SECTION 1. The directors of first class school districts which are situate in first class counties, or in class A counties, and which school districts contain a city of the first class which holds biennial elections under provisions of its charter, shall hold their offices for a term of six years and until their successors are elected and qualified, except as hereinafter provided. Election of directors of such school districts shall be held biennially and in conjunction with the general elections of such first class city, except as hereinafter provided.

Term of office.

Elections biennially in conjunction with city elections.

Exceptions.

SEC. 2. Where the general election of such first class city is held in the even numbered year, the directors to be elected in 1943 shall be elected for three years, the directors to be elected in 1944 shall be elected for four years, and the directors to be elected in 1945 shall be elected for five years.

SEC. 3. Where such general election of such first class city is held in the odd numbered year, the directors to be elected in 1943 shall be elected for four years, and the directors to be elected in 1944 shall be elected for five years.

Conflicting acts repealed.

SEC. 4. All acts in conflict with this act are hereby repealed only insofar as they conflict with this act.

Effective immediately.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health, safety and

wellbeing of the State of Washington and its existing public institutions and shall take effect immediately.

Passed the Senate February 1, 1943.

Passed the House January 28, 1943.

Approved by the Governor February 5, 1943.

CHAPTER 11.

[H. B. 11.]

DEFICIENCY APPROPRIATION TO SECRETARY OF STATE.

AN Act making a deficiency appropriation to the Secretary of State for printing initiative and referendum measures and constitutional amendments and advertising of proposed constitutional amendments as required by section 1, article XXIII, State Constitution and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriation made by the Twenty-seventh Regular Session of the Legislature, there is hereby appropriated from the general fund of the state treasury the sum of five thousand, four hundred and nine dollars and 46/100 (\$5,409.46) or so much thereof as may be necessary for the use of the Secretary of State in the payment of expenses incurred in the printing of pamphlets containing initiative and referendum measures and constitutional amendments and advertising of proposed constitutional amendment as required by section 1, article XXIII, State Constitution.

Deficiency appropriation.

Secretary of State.

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

Effective immediately.

Passed the House January 27, 1943.

Passed the Senate February 10, 1943.

Approved by the Governor February 15, 1943.

CHAPTER 12.

[H. B. 26.]

RELATING TO BIRTH CERTIFICATES.

AN ACT relating to birth certificates and amending section 1, chapter 133, Laws of 1939, (being section 6013-1, Remington's Revised Statutes).

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

Amendments.

SECTION 1. That section 1, chapter 133, Laws of 1939 (section 6013-1, Remington's Revised Statutes), be amended to read as follows:

Certified copy to be recorded.

Birth certificate shall issue.

Proviso.

Section 1. Whenever a decree of adoption has been entered declaring a child, born in the State of Washington, adopted in any court of competent jurisdiction in the State of Washington or any other state, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the State of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said board of health: *Provided, however,* There shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate.

Passed the House February 1, 1943.

Passed the Senate February 10, 1943.

Approved by the Governor February 15, 1943.

CHAPTER 13.

[H. B. 49.]

CONTROL OF INSECT PESTS AND PLANT DISEASES.

AN ACT to prevent the introduction of insect pests and plant diseases and to control and/or eradicate insect pests and plant diseases in the State of Washington which are necessary in the war production program of agricultural and horticultural crops, and making an appropriation and declaring an emergency.

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

SECTION 1. The Director of Agriculture of the State of Washington, and the Supervisor of Horticulture of the Department of Agriculture of the State of Washington, are authorized and directed to apply such quarantine and/or eradication and such methods as may be necessary to prevent the introduction of insect pests or plant diseases that may be destructive to agricultural or horticultural industries of the State of Washington, and to apply such methods as may be necessary for quarantine, and/or eradication, and/or control of insect pests or plant diseases, that are now established in the State of Washington, especially the Pear Psylla, the Pea Moth, the Sitona weevil and virus diseases of fruits, or other insect pests or plant diseases that may seriously endanger agricultural or horticultural industries in the State of Washington.

Director of
Agriculture
authorized
to quaran-
tine.

SEC. 2. The Director of Agriculture and the Supervisor of Horticulture are authorized to cooperate with any group of citizens, municipalities and counties of the State of Washington, the State College of Washington, the Washington Agricultural Experiment Station, Western Washington Experiment Station, and/or with the Secretary of Agriculture of the United States, and such agencies as he

Director may
cooperate.

may designate, to carry out the provisions of this act.

May supply
funds, labor
and supplies.

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

Appropriation.

SEC. 4. There is hereby appropriated the sum of two hundred fifty thousand (\$250,000) dollars, or as much thereof as may be necessary from the general fund of the State Treasury for the Department of Agriculture to be used by the Division of Horticulture, State Department of Agriculture, for the purposes specified in this act.

Effective immediately.

SEC. 5. This act is necessary for the preservation of the peace, health and safety of this state, the support of the state government of the State of Washington and its existing institutions and the promotion of the war effort, and shall take effect immediately.

Passed the House January 28, 1943.

Passed the Senate February 10, 1943.

Approved by the Governor February 15, 1943.

CHAPTER 14.

[H. B. 135.]

RELATING TO OWNERSHIP OF UNITED STATES
SAVINGS BONDS.

AN ACT relating to United States Savings Bonds issued in co-ownership form and beneficiary form, and providing that upon death of co-owner or registered holder the surviving co-owner or beneficiary shall own the bond.

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

SECTION 1. If either co-owner of United States Savings Bonds registered in two names as co-owners (in the alternative) dies without having presented and surrendered the bond for payment to a Federal Reserve Bank or the Treasury Department, the surviving co-owner will be the sole and absolute owner of the bond.

Surviving
co-owner
becomes sole
owner.

SEC. 2. If the registered owner of United States Savings Bonds registered in the name of one person payable on death to another dies without having presented and surrendered the bond for payment or authorized re-issue to a Federal Reserve Bank or the Treasury Department, and is survived by the beneficiary, the beneficiary will be the sole and absolute owner of the bond.

Accrues to
beneficiary.

Passed the House February 4, 1943.

Passed the Senate February 10, 1943.

Approved by the Governor February 15, 1943.

CHAPTER 15.

PUBLIC POWER RESOURCES.

[Initiative Measure No. 12 to the Legislature.]

AN ACT pertaining to public power resources and public utilities and acquisition and operation thereof by certain public authorities and municipal corporations; authorizing public utility district commissioners to create joint commissions; relating to composition, government, powers, funds, business and properties thereof; applying certain public utility district laws thereto; empowering them to acquire electrical properties solely by issuing revenue bonds and warrants; requiring deposit of funds with State Treasurer and audit of accounts by State Auditor; taxing their operations instead of property; permitting their union; offsetting earnings against interest on certain condemnation awards; declaring emergency and that act take effect immediately.

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

Declaration
of intent.

SECTION 1. About two-fifths of the entire potential hydroelectric power in the United States is located within the State of Washington. It is of the most vital importance for the successful prosecution of the war and the development of the resources of this state in the post-war peace that every available kilowatt of this power be harnessed as quickly as possible. This can be properly accomplished only by placing electrical properties under public ownership and operation.

It is contemplated that legislation will be adopted by the Congress relating to the further power development of the Columbia River, and the creation of an administrative agency designed, among other things, to make the energy generated at the several federal dam sites available to public agencies at low cost. It is the intent hereof to provide legal machinery whereby, among other things, the commissioners of the public utility districts may undertake projects complementary to those provided for in such national legislation, may perform their in-

tended functions more economically and efficiently, and accomplish the following general purposes: to form joint public utility district commissions and thereby effect the acquisition of electrical properties upon an economical, systemwide basis; to provide for the financing of such acquisitions solely by revenue bonds and warrants; to provide for the payment of a tax on the gross revenue of any joint commission in lieu of *ad valorem* taxes; and to facilitate the acquisition of local distribution and other properties by public utility districts and other municipal corporations. The rule of strict construction shall have no application to this act, but the same shall be liberally construed in order to carry out the purposes and objects for which the act is intended.

Act shall be liberally construed.

SEC. 2. The majority of the commissioners of each of two or more public utility districts may create a joint public utility district commission, hereinafter called a "joint commission," whenever there is located within such districts more than fifty per centum (50%) in value of the properties comprising an integrated electric system, exclusive of properties not located in any public utility district. Such joint commission shall be a public authority and a body politic and municipal. It shall be formed by filing with the Secretary of State a resolution adopted by the commission of each district stating the name of the joint commission, its principal place of business and the rules governing the transaction of its business. All commissioners for the time being of the public utility districts which shall have adopted and filed such resolution shall be members of the joint commission during their terms of office. The commissioners of any other public utility district in which are located properties of the same integrated electric system shall become members of such joint commission upon equal terms with the original organizers whenever such district shall file

Joint commission, how formed.

Shall be public authority.

Membership.

Others may join.

with the Secretary of State a resolution ratifying the resolution filed by the original organizers and stating that its commissioners shall be members of such joint commission. The successors in office of all commissioners who are members of a joint commission shall succeed to their membership therein.

The term "value," as used in this section and in section 10 of this act, means the latest valuation placed upon the properties therein mentioned by the State Tax Commission for taxing purposes. The term "integrated electric system," as used in this act, means all contiguous or interconnected electric generating, transmission and distribution properties within this state operated by the same public service company.

Definitions.

Officers,
how chosen.

SEC. 3. The members of each joint commission shall meet together and select from among their own number a president and a secretary; they shall also elect an auditor and require him to post a bond for the faithful performance of his duties, to be prescribed by resolution. All books and records of the joint commission shall be subject to audit by the State Auditor as prescribed by law for other municipal corporations.

Subject to
audit.Executive
committec.

SEC. 4. A joint commission may by resolution constitute an executive committee, hereinafter called the committee, which shall be composed of the president and the secretary of the joint commission, together with not less than three nor more than five of its other members, as the joint commission may determine. The committee members shall be elected by the joint commission in the manner and for the time specified in the rules and regulations of the joint commission. Between meetings of the joint commission, the committee shall administer and manage its business, subject to its direction, rules and regulations. The committee shall adopt rules for the transaction of its business, which shall be

How chosen.

Powers and
duties.

Rules.

effective upon filing a copy of the same with and the approval thereof by the joint commission. The committee may buy or sell materials, equipment and supplies pursuant to the rules and regulations of the joint commission, in connection with current operations, but shall not have authority to issue bonds nor to sell or purchase any electric generating, transmission or distribution properties.

SEC. 5. The State Treasurer shall be treasurer *ex officio* of each such joint commission. All monies of the joint commission shall be paid to the treasurer and disbursed by him only on warrants drawn and signed by the auditor upon order of or vouchers approved by the joint commission or by its executive committee. The treasurer shall create and maintain such special funds as the joint commission may direct. All monies so paid to the treasurer shall be deposited by him forthwith as demand deposits in such depository or depositories authorized by law to receive deposits of state funds, and to the credit of such special fund or funds, as the joint commission by resolution may direct. Such deposits shall be made under the same contracts, restrictions, and security, as near as may be, as is provided by statute for state depositories. Any such fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds; all interest received or earned on money in any such special fund shall be credited thereto and become a part thereof. Whenever it shall appear to a joint commission that it has any inactive fund or funds in excess of current needs, it may by resolution authorize the treasurer to invest any such funds in the bonds of the United States Government, and likewise may authorize him to sell any such bonds at any time. The interest on such bonds, or the proceeds of any sale of the same, shall be credited to

Treasurer
ex officio.

Special
funds.

Restrictions
on deposits.

Trust fund.

May invest.

the fund from which the money for such bonds was withdrawn.

P. U. D. laws govern.

SEC. 6. Except as otherwise provided in this Act, each joint commission and the officers aforesaid shall have the powers, and shall be governed by the provisions set forth in the laws relating to public utility districts (chapter 1, Laws of Washington for 1931, and chapters 182 and 245, Laws of Washington for 1941) as now in effect or hereafter amended; except that they shall not have the power to tax, or to issue any general obligation bonds or warrants, or to create any local improvement assessment district.

Whenever the words "district," "public utility district," "public utility district commissioners," "commission," or any word or words used in lieu thereof appear anywhere in the above mentioned laws, the same shall be taken to refer to a joint commission for purposes of this act, unless the context indicates otherwise. Whenever the words "within or without the district," or any similar words referring to the boundaries of public utility districts appear in those laws, the same for purposes of this act shall be taken to refer to the limits of all public utility districts whose commissioners are members of the respective joint commission. The joint commission may amend its rules and regulations, in which event it shall file a certified copy of such amendment with the Secretary of State. In the event that any joint commission seeks to acquire by eminent domain any public utility, or any interconnected properties extending through or into more than one county, such proceedings may be instituted and conducted in any one of the counties where such utility or properties or any part thereof are located.

No power to tax, bond or assess.

Definitions.

May amend rules.

Situs of action.

Joint commission shall pay tax.

SEC. 7. Any joint commission which owns and operates properties for the generation, transmission or distribution of electric energy shall pay a tax for the act or privilege of engaging in the operation of

such properties within this state, as provided by sections 1 and 2, chapter 245, Laws of Washington for 1941, which tax shall be computed, levied, collected and apportioned as provided therein except that the rate shall be as follows: On energy which the joint commission generates, transmits and distributes to ultimate consumers by means of properties owned by it, the tax shall be five and six-tenths per centum (5.6%) of its gross revenues from such operation; on energy which it generates and transmits by means of properties owned by it and which it sells for purpose of resale, the tax shall be three and six-tenths per centum (3.6%) of its gross revenue from such operation; and on energy which it buys at wholesale and distributes to ultimate consumers by means of properties owned by it, the tax shall be two per centum (2%) of its gross revenue from such operation: *Provided*, That if a joint commission is required to pay taxes to a governmental body located outside of this state on the operations upon which the taxes herein provided for are levied or upon properties used in such operations and located outside of this state, then the amount of taxes so paid without this state shall be deducted from the amount of taxes otherwise payable hereunder: *And provided further*, That the value of energy received by a joint commission from the United States or any other public agency in exchange for energy generated by such joint commission shall not be deemed income of such joint commission for the purposes of this section. The tax provided for herein shall be in lieu of all *ad valorem* real and personal property taxes, but shall be in addition to the tax provided for in chapter 225, Laws of Washington for 1939.

How
computed.

Proviso.

Exchanged
energy
exempt.Tax in lieu
of.

SEC. 8. Any joint commission may by resolution sell, lease or otherwise dispose of any public utility properties or interest therein to the United States,

Property,
how may
sell or lease.

or any public utility district or to any other joint commission, city, town or other municipal corporation or public agency or cooperative, and may contract with any of them respecting the joint or separate acquisition, financing or operation of any public utility property or interest therein. It shall be the duty of a joint commission, when requested to do so by any public utility district in which any electrical distribution properties owned by it are located, to negotiate with such district for the sale of such properties to it, and to sell the same to such district at the fair cash market value thereof as soon as such sale can reasonably be consummated: *Provided, however,* That no such sale shall be made which will impair the security or obligation of any outstanding bonds of the joint commission: *And provided, further,* That the joint commission may include in bonds issued by it such covenants relating to the terms and conditions upon which any public utility or any other properties may be sold, leased or disposed of and the use and disposition of the proceeds thereof, as the joint commission may deem advisable in order to prevent the impairment of the security of such bonds.

SEC. 9. Any public utility district or other municipal corporation may advance or contribute funds to a joint commission for surveys and investigations or for such other work and services relating to the acquisition of properties as may be deemed advisable, and the joint commission may repay such advances and contributions from the proceeds of revenue bonds theretofore or thereafter issued by it or from any other funds belonging to the joint commission.

SEC. 10. No joint commission shall acquire any public utility properties unless more than fifty per cent (50%) in value thereof are located within the public utility districts whose commissioners are

members of such joint commission, or are reasonably necessary for the generation or transmission of energy to supply distribution properties to be acquired and operated within such districts: *Provided*,^{Proviso.} that if a joint commission seeks to acquire an electric system, part of which is located within a county in which no public utility district is located, or within a city of the first class not included within such a district, and the governing body of such county or city adopts a resolution or ordinance declaring it to be in the public interest that the joint commission acquire the portion of the system located therein, then the joint commission may acquire such electric system by purchase or condemnation if more than fifty per cent (50%) in value thereof is located within such county or city and the public utility districts aforesaid. As regards properties located within such city no county resolution shall be required, but a city ordinance shall be requisite and sufficient for the purposes of this section.

SEC. 11. The provisions of section 6, chapter 245, Laws of Washington for 1941, shall apply to any public utility district commissioner while devoting time to the business or attending the meetings of a joint commission of which he is a member. The payments therein provided for may be made either by the joint commission or by the districts whose commissioners are members thereof.^{Remuneration of commissioners.}

SEC. 12. Whenever, in any eminent domain proceeding heretofore or hereafter instituted by any such joint commission, or by any public utility district or other municipal corporation for the acquisition of any public utility or works, plants or facilities, a verdict has been returned, or, if the case is tried before the Court without a jury, a judgment has been entered, fixing the amount to be paid as compensation for the property taken or damaged, such verdict or judgment shall bear interest at the^{Judgments shall bear interest.}

legal rate from the date of entry to the date of payment thereof, and there shall be added thereto the amount, with like interest thereon, expended for reasonable additions and betterments to and extensions of such property made between the dates last mentioned: *Provided*, That there shall be offset against and deducted from such interest and the amount added thereto for additions, betterments and extensions made as aforesaid, the amount of net earnings, before allowance for depreciation, derived from such properties between such dates. The condemnor may serve upon the condemnee or its attorneys of record and file with the court a notice of its intention to pay the award or judgment, together with a demand for a verified statement showing in reasonable detail the income received from the properties, the expense incurred in operating them and the additions, betterments and extensions made thereto, with the cost of the same, between the date of the verdict or judgment and the last day of the month preceding the month in which such statement is rendered. If the condemnee fails to file such sworn statement with the court within ten days after service upon it of the demand therefor, it may be compelled to do so by contempt proceedings. The time during which such contempt proceedings are pending shall not be considered in computing the period within which the condemnor may exercise its right of appropriation. After such sworn statement is filed, the condemnor may pay the full amount of the verdict or judgment plus accrued interest and the amount of such additions, betterments and extensions, less the net earnings before allowance for depreciation, all as shown by the sworn statement, and concurrently obtain a decree of appropriation. Or, if the condemnee fails to file such sworn statement within ten days after service of the notice and demand aforesaid, the condemnor, at its option and

Additions and betterments.

Net earnings offset.

Notice of intention.

Time limit.

Condemnor may pay.

Decree of appropriation.

at any time before the sworn statement is filed, may pay the full amount of the judgment or verdict, plus accrued interest, and concurrently obtain a decree of appropriation. In either case the condemnor shall have the right, and such payment shall not prejudice its right, to institute proceedings for an accounting and payment of the amount due it for net earnings between the date of entry and the date of payment of the condemnation award, provided such accounting proceedings are commenced, either in the eminent domain cause or in an independent action in any court of competent jurisdiction, within thirty days after entry of the decree of appropriation.

May seek accounting.

Time limit.

The condemnor in any such eminent domain proceeding may, pursuant to resolution duly adopted, discontinue such proceeding at any time within one year from the date the right of appeal from the judgment fixing the amount of compensation expires, or, if an appeal is taken from such judgment, then at any time within one year after the final determination of such appeal, upon paying or depositing in court all taxable costs of the condemnees in such proceeding. Except as hereinabove provided, failure of any condemnor to exercise its right of appropriation in any such proceeding within the applicable period aforesaid shall be deemed to constitute an abandonment thereof. If any such proceeding is discontinued or abandoned as aforesaid, no new proceeding shall be instituted therefor until the expiration of one year from the date of such discontinuance or abandonment.

Condemnor may discontinue.

Payment of costs.

Failure to exercise constitutes abandonment.

SEC. 13. In the event that any two or more joint commissions operate properties which are interconnected and of such a nature that they may be operated more efficiently and economically under one management, such joint commissions may unite and organize an authority for that purpose and for purposes related thereto by filing with the Secretary

Joint operations, how organized.

of State a resolution adopted by each such joint commission, stating the name of the proposed authority, its principal place of business, the rules governing the transaction of its business, and the functions to be performed by it. The members of the joint commissions participating shall be members of such authority, which shall have all powers of a joint commission with respect to the functions stated in the resolution creating it.

Membership
of
authority.

Partial
invalidity.

SEC. 14. If any section or provision of this act shall be adjudged to be invalid, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid.

Effective
immediately.

SEC. 15. The purposes to be accomplished by the creation of any such joint commission or authority are declared to be essential, public and governmental purposes. This act is necessary for the preservation of the public peace, health, and safety, the promotion of the public welfare and support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 16, 1943.

Passed the House February 17, 1943.

CHAPTER 16.

[H. B. 16.]

WORKMEN'S COMPENSATION AND MEDICAL AID.

AN ACT relating to workmen's compensation and medical aid; providing for method of assessing charges where previously injured workmen become totally and permanently disabled, and amending chapter 74 of the Laws of 1911 as amended, by adding a new section to be known as section 4 A.

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

SECTION 1. Chapter 74 of the Laws of 1911 as amended, is amended by adding a new section to be known as section 4 A to read as follows: Amendment by adding new section.

Section 4 A. Whenever a workman has sustained a previous bodily infirmity or disability from a previous injury or disease, and shall receive a further injury or disease, 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 accident shall only be charged with the accident costs which would have resulted solely from said further accident had there been no pre-existing disability and which accident cost shall be based upon the experience of the department in similar injuries. The difference between the charge thus assessed to the employer at the time of said further accident and the total cost of the pension reserve shall be charged to the class in which the last injury occurred. Disability costs; how divided.

Passed the House January 27, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 17.

[H. B. 17.]

PROTECTION OF EMPLOYEES IN FACTORIES WHERE
MACHINERY IS USED.

AN ACT relating to the protection of employees in factories where machinery is used, amending section 1 of chapter 37, Laws of 1903, as amended by section 1 of chapter 84, Laws of 1905, as amended by section 1 of chapter 205, Laws of 1907 (section 7658 of Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 1 of chapter 37, Laws of 1903, as amended by section 1 of chapter 84, Laws of 1905, as amended by section 1 of chapter 205, Laws of 1907 (section 7658 of Remington's Revised Statutes) is hereby amended to read as follows:

Safety
devices
required.

Section 1. Any person, firm, corporation or association operating a factory, mill or workshop, or conducting any operation where machinery is used, 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 un-

safe 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 act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the Department of Labor and Industries' inspector immediately on receiving notice of 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 inspector, and the work shall cease until such unsafe practices or methods have been corrected.

Correct
unsafe
methods.

Use of unsafe
machines
prohibited.

Notice.

Passed the House January 27, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 18.

[H. B. 13.]

LABOR AND MATERIAL LIENS ON REAL ESTATE.

AN ACT creating and providing for the establishment and enforcement of liens on real estate for labor and materials furnished in planting lawns, trees, vines, plants, hedges and shrubs.

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

Liens provided.

SECTION 1. Every person who, at the request of the owner of any real property, or at the request of the duly authorized agent of such owner, performs any labor or furnishes any material, or both, in the planting of trees, vines, shrubs, plants, hedges or lawns for the improvement of such real property, shall have a lien for the agreed price thereof, or if no agreed price, then for the reasonable value of such work and materials, upon the real property upon which such improvements are placed, and such further amount of land belonging to such owner as is necessary to the convenient use and enjoyment of such improvement.

Agreed price or reasonable value.

Lien preferred.

SEC. 2. The lien created by this act shall be preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of commencement of the performance of the labor, or the furnishing of the materials for which such lien is given, and are also preferred to any lien, mortgage or other encumbrance 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.

Claims, how filed.

SEC. 3. Any person or corporation claiming the benefit of this act must within forty (40) days after the completion of such labor or of the furnishing of

such materials, file for record with the County Auditor of the county in which such property is situated, a claim of lien which shall state as nearly as may be the time of the commencement and cessation of performing the labor, or the furnishing of the material, the name of such person performing the labor or furnishing the material, the name of the person by whom the laborer was employed or to whom the material was furnished, the legal description of the property to be charged with the lien, the name of the owner, or reputed owner of such property, and 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 same to be just. In case the claim shall have been assigned, such claim of lien shall state the name of the assignee. In foreclosure suits, such claims of lien may be amended by order of the court, in so far as the interests of third parties shall not be affected by such amendment. 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.

SEC. 4. The County Auditor of each county shall record all lien claims filed as provided in this act, in a book to be kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed. Recording.

SEC. 5. Liens provided for by this act shall have the same priority and rank, the one with the other, and as between such lien and other encumbrances, as in the case of mechanics' and materialmen's liens. Priority.

SEC. 6. The liens provided for by this act for which claims have been filed may be foreclosed and enforced by a civil action in the court having juris- Enforcement
by civil
action.

Time limit. diction, in the same manner as mechanics' and materialmen's liens are now foreclosed and enforced. Any such foreclosure action shall be brought within eight calendar months after the filing of such claim of lien as provided herein, and in any such action, the court shall allow as part of the costs therein the money paid for making, filing and recording such claim of lien and a reasonable attorney's fee.

Passed the House January 27, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 19.

[H. B. 22.]

SALE OF REAL AND PERSONAL PROPERTY OWNED BY COUNTIES.

AN ACT relating to counties and to the sale of real and personal property owned by counties, including sale of timber and reservations of mineral rights by counties and amending section 1, chapter LXXVI, Laws of 1891, being section 4007, Remington's Revised Statutes.

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

Amendments. SECTION 1. That section 1, chapter LXXVI, Laws of Washington, 1891, being section 4007, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Commissioners may sell. Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of such county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of the property, whether real, personal, or mixed, belonging to said county, including tax title land, should be sold, it shall be the duty of such board, and they are hereby authorized and empowered, to

sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided. In making such sales the Board of County Commissioners may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this act for the sale of real property. The Board of County Commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of such lands shall contain the following reservation:

Resources may be sold separately.

May reserve mineral rights.

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business,

Reservation.

Payment of
damages
for entry.

Right of
action
under
certain
conditions.

hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer.

Passed the House February 4, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 20.

[H. B. 29.]

REPEALING STATE TRAVELING LIBRARY ACT.

AN ACT relating to the state traveling library and repealing chapter 164, Laws of 1907.

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

SECTION 1. Chapter 164, Laws of 1907, is repealed. Repeals.

Passed the House January 28, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 21.

[H. B. 40.]

JUSTICES OF THE PEACE AND CONSTABLES.

AN ACT relating to justices of the peace and constables in cities of over 10,000 population and amending section 8 of chapter VII of the Laws of 1891 as amended by chapter 102, Laws of 1917 (section 7583, Remington's Revised Statutes).

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

SECTION 1. That section 8 of chapter VII, Laws of 1891 as amended by chapter 102 of the Laws of 1917 (section 7583, Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 8. In cities of the first class of 100,000 population or more, where there are two or more justices of the peace, such justices acting as a board shall have the power to appoint one chief clerk at a salary to be fixed by the Board of County Commissioners and such assistant clerks as may be found necessary by said justices, not exceeding the number of justices unless authority to appoint additional clerks be obtained from the Board of County Commissioners, the salaries of said clerks to be desig- Clerks, how appointed and paid.

Commissioners provide office.

nated by the County Commissioners, and paid in the same manner and at the same time as said justices. The Board of County Commissioners may allow justices of the peace in cities of over 10,000 population and less than 100,000 population, one clerk, and the Board of County Commissioners shall furnish for the use of each of the justices provided for in this chapter a suitable office room; and also, they shall furnish to each of the said justices and constables all necessary books, blanks and stationery for conducting the public business of his office; said office room, books, blanks, and stationery to be paid for on the warrant of the Auditor out of the general fund of the county.

Passed the House February 1, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 22.

[H. B. 52.]

ACTIONS COVERING DAMAGES TO REAL PROPERTY.

AN ACT relating to actions against guardian or tenant, for damages, forfeiture and eviction for committing waste on real property; and amending section 601, Code of Washington Territory, 1881 (section 938, Remington's Revised Statutes; section 8556, Pierce's Code).

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

Amendments.

SECTION 1. Section 601, Code of Washington Territory, 1881 (section 938, Remington's Revised Statutes; section 8556, Pierce's Code) is hereby amended to read as follows:

Action for committing waste.

Section 601. If a guardian, tenant in severalty or in common, for life or for years, or by sufferance, or at will, or a sub-tenant, of real property commit waste thereon, any person injured thereby may

maintain an action at law for damages therefor against such guardian or tenant or sub-tenant; in which action, if the plaintiff prevails, there shall be judgment for treble damages, or for fifty dollars (\$50), whichever is greater, and the court, in addition may decree forfeiture of the estate of the party committing or permitting the waste, and of eviction from the property. The judgment, in any event, shall include as part of the costs of the prevailing party, a reasonable attorney's fee to be fixed by the court. But judgment of forfeiture and eviction shall only be given in favor of the person entitled to the reversion against the tenant in possession, when the injury to the estate in reversion is determined in the action to be equal to the value of the tenant's estate or unexpired term, or to have been done or suffered in malice.

Treble damages.

Forfeiture and eviction.

Attorney fee.

Passed the House February 5, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 23.

[H. B. 60.]

RECORDING OF INSTRUMENTS CONCERNING REAL PROPERTY.

AN Act relating to the recording of instruments concerning real property and amending section 10 of chapter 278 of the Laws of 1927 (section 10596-10 of Remington's Revised Statutes).

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

SECTION 1. That section 10 of chapter 278 of the Laws of 1927, being section 10596-10 of Remington's Revised Statutes, be amended to read as follows:

Amendments.

Section 10. A recording officer, upon payment or tender to him of the lawful fees therefor, shall record in his office any instrument authorized or

Officer shall record.

permitted to be so recorded by the laws of this state or by the laws of the United States.

Passed the House February 2, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 24.

[H. B. 61.]

CIVILIAN DEFENSE.

AN ACT relating to wartime civilian defense in cities and towns; authorizing the creation of civilian defense systems, and the making of expenditures therefor; and declaring that this act shall take effect immediately.

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

SECTION 1. During any period when the United States is at war any city or town is hereby authorized:

Civilian Defense system authorized.

(1) To provide for a system of civilian defense and to prescribe the units, officers and personnel thereof, and their powers and duties.

Commission.

(2) To provide for the appointment and removal, and prescribe the powers and duties of a war commission or board or commission of civilian defense: *Provided*, That the members of such commission of defense shall receive no salary.

Non-salaried.

Cooperate with other units.

(3) To permit or require civilian defense officials and employees to cooperate to the extent that it shall deem necessary, advisable or convenient with the national, state or any county or city civilian defense system or unit and with the military and naval authorities of the United States.

Make expenditures.

(4) To incur indebtedness and make expenditures for salaries, wages, supplies, material and equipment for civilian defense when authorized by

ordinance, whether or not provision is made therefor in the current budget.

(5) To enact and enforce penal and other ordinances and regulations necessary or convenient for civilian defense. Make and enforce regulations.

SEC. 2. No city or town shall be liable to any civilian defense officer or employee for any damage or injury sustained by any such officer or employee in performance of his civilian defense work or duties, nor shall any city or town be liable in damages for any acts of negligence or failure to act on the part of any civilian defense official or employee; and no civilian defense official or employee shall be liable in damages for any injury to the person or property of another except for negligent or unlawful conduct or actions done by him or under his direct orders. Non-liability for damage or injury.

SEC. 3. No civilian defense official or employee either volunteer or paid, who devotes his time exclusively to civilian defense work, shall be considered a city officer or employee within any city civil service system. Non-civil service.

SEC. 4. Any expenditure or indebtedness heretofore incurred by any city or town for civilian defense, if made pursuant to authority of any ordinance of the city or town, and any ordinance heretofore adopted by any city or town within the scope of the authority conferred by this act, are hereby ratified and approved. Prior acts validated.

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. Effective immediately.

Passed the House January 28, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 25.

[H. B. 81.]

MUNICIPAL CORPORATIONS UNDER COMMISSION FORM
OF GOVERNMENT.

AN ACT relating to municipal corporations under commission form of government; the manner of election and formation of such commission, the salaries of officials, and amending sections 3, 7, 12 and 14 of chapter 116, Laws of 1911 (sections 9092, 9096, 9101, and 9103 Remington's Revised Statutes).

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

Amendments. SECTION 1. That section 3, chapter 116, Laws of 1911, (section 9092, Remington's Revised Statutes) be amended to read as follows:

Elections, when held. Section 3. All regular elections under this act shall be held triennially on the first Monday in December, at which time there shall be elected a

Offices designated. Mayor, a Commissioner of Finance and Accounting, and a Commissioner of Streets and Public Improvements, who, together, shall constitute and be known as the "city commission," and who shall serve for a

Term of office. term of three (3) years and until their successors shall be elected and qualified: *Provided*, That the first election hereunder shall be held within sixty (60) days after the adoption of the proposition to organize under this act as provided for herein: *And*

Proviso. *provided further*, That the commission elected at the first election shall serve until the third Monday in December following such first election, and for three

Proviso. (3) years thereafter: *Provided*, That the amendment of this section and reenactment of the provisions concerning the election date or date for expiration of terms shall not by virtue of such re-enactment affect the date for election or expiration of terms which may have heretofore been made applicable to such election or terms or which by any enactments at this session may be made applicable thereto, the sole

purpose of the amendment and re-enactment of this section being to provide for separate offices of Commissioner of Finance and Accounting, and Commissioner of Streets and Public Improvements.

SEC. 2. That section 7, chapter 116, Laws of 1911, (section 9096, Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 7. Candidates to be voted for at the first and at all regular municipal elections, under the provisions of this act, shall be a Mayor, a Commissioner of Finance and Accounting, and a Commissioner of Streets and Public Improvements, who shall be nominated at a primary election; and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the municipal election. The officers of election appointed for the municipal election shall be the officers of the primary election, which shall be held at the same place, so far as practicable, and the polls shall be opened and closed at the same hours as are required for the municipal election.

Primary date fixed.

Election officers.

Voting hours.

Any person desiring to become a candidate for Mayor or a Commissioner shall, not less than fifteen (15) nor more than twenty-five (25) days prior to said primary election, file with the City Clerk a statement of such candidacy accompanied with the filing fee required by law, in substantially the following form:

Filing time fixed.

State of Washington }
County of } ss.

Statement of candidacy.

I,, being first duly sworn, say that I reside at street, city of, county of, State of Washington; that I am a qualified voter therein; that I am a candidate

for nomination to the office of,
 (inserting Mayor, or Commissioner of Finance and
 Accounting, or Commissioner of Streets and Public
 Improvements, as the case may be) of the city of
, to be voted upon at the primary
 election to be held on Monday, the day of
 December, 19....., and I hereby request that my
 name be printed upon the official primary ballot for
 nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me
 by on this
 day of, 19.....

(Signed).....

Petition
 required.

He shall at the same time file therewith the peti-
 tion of at least one hundred qualified voters request-
 ing such candidacy. Each petition shall be verified
 by one or more persons as to the qualifications and
 residence, with street number, of each of the persons
 so signing the said petition, and the said petition shall
 be in substantially the following form:

Form of
 petition.

PETITION ACCOMPANYING NOMINATION STATEMENT.

The undersigned, duly qualified electors of the
 City of, and residing at
 the places set opposite our respective names hereto,
 do hereby request that the name of
 (name of candidate) be placed on the ballot as a
 candidate for the nomination for
 (name of office) at the primary election to be held
 in such city on Monday, the day of Decem-
 ber, 19..... We further state that we know him to
 be a qualified elector of said city and a person of
 good moral character and qualified, in our judgment,
 for the duties of such office.

Names of qualified electors

Number

Streets

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the City Clerk shall cause to be published over his signature for three consecutive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspapers, then in two issues of any other newspaper that may be published in said city. The said Clerk shall thereupon cause the primary ballot to be printed. Upon the said ballot and under the ballot heading hereinafter provided, the names of the candidates for Mayor, arranged alphabetically, shall first be placed, with a square at the right of each name, and immediately above shall appear the words "vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for Commissioner of Finance and Accounting, with a square at the right of each name, and immediately above shall appear the words "vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for Commissioner of Streets and Public Improvements, with a square at the right of each name, and immediately above shall appear the words "vote for one." The ballots shall be printed upon plain, substantial white paper and shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Notice by
publication.

Clerk shall
provide
ballot.

Arrangement
of names.

Form of ballot.

OFFICIAL PRIMARY BALLOT.

Candidates for Nomination for Mayor and Commissioners

of.....

at the

PRIMARY ELECTION.

(Date).....

Place a cross in the square opposite the names of the parties you favor as candidates for the respective positions.

MAYOR

Vote for One.

.....
.....

COMMISSIONER OF FINANCE AND ACCOUNTING

Vote for One.

.....
.....

COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS

Vote for One.

.....
.....

Ballot distribution.

Qualification of voter.

Challenges.

Ballot count.

Returns.

Having caused said ballots to be printed, the said City Clerk shall cause to be delivered to each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for Mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the City Clerk, upon proper blanks to be furnished by the said Clerk, within six (6) hours of the closing of the polls. On the day following the said primary

election the said City Clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the City Clerk shall be publicly made. The two candidates receiving the highest number of votes for each of the said offices, shall be placed upon the ballot as the candidates for Mayor, Commissioner of Finance and Accounting, and Commissioner of Streets and Public Improvements, respectively, at the general municipal election.

Canvass of returns.

Publication of returns.

Nominees designated.

All electors of cities under this act who by the laws of the State of Washington would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precincts, voting places, method of conducting election, canvassing the votes and announcing the results shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act.

Qualification of voter.

Form of ballot.

Conduct of elections.

SEC. 3. That section 12, chapter 116, Laws of 1911, (section 9101, Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 12. The Mayor shall be Superintendent of the Department of Public Safety, the Commissioner of Finance and Accounting shall be Superintendent of the Department of Finance and Accounting; and the Commissioner of Streets and Public Improvements shall be Superintendent of the Department of Streets and Public Improvements.

Offices defined.

The commission shall, at its first regular meeting after election, or as soon as practicable thereafter appoint by majority vote, a City Clerk, and such

Appointments, how made.

other officers and assistants as shall be provided for by ordinance: *Provided*, That any officer or assistant, elected or appointed by the commission, may be removed from office at any time by vote of a majority of the members of the commission, except as otherwise provided in this act: *Provided further*, That any member of the commission may perform the duties pertaining to any and all appointive offices in his department, but without additional compensation therefor.

May be removed.

Member may act.

Amendments. SEC. 4. That section 14 of chapter 116, Laws of 1911, (section 9103 of Remington's Revised Statutes) be amended to read as follows:

Shall maintain office.

Compensation.

Section 14. The commission shall have and maintain an office at the city hall, or such other place as the city may provide, and their total compensation shall be as follows: In cities having a population of two thousand five hundred (2,500) and less than forty-five hundred (4,500) the annual salary of the Mayor shall be five hundred dollars (\$500), and that of each of the commissioners two hundred and fifty dollars (\$250); in cities having a population of forty-five hundred and less than seven thousand (7,000), the annual salary of the Mayor shall be twelve hundred dollars (\$1,200), and that of each of the commissioners one thousand dollars (\$1,000); in cities having a population of seven thousand (7,000) and less than fourteen thousand (14,000) the annual salary of the Mayor shall be two thousand dollars (\$2,000), and that of each of the commissioners eighteen hundred dollars (\$1,800); and in cities having a population of fourteen thousand (14,000) and less than twenty thousand (20,000), the annual salary of the Mayor shall be three thousand two hundred dollars (\$3,200) and that of each commissioner two thousand seven hundred dollars (\$2,700). Such salaries shall be payable in equal monthly installments.

Payable monthly.

Every other officer or assistant shall receive such salary or compensation as the commission shall fix by ordinance and shall be payable monthly or at such shorter periods as the commission shall determine.

Other salaries to be fixed by ordinance.

Passed the House February 18, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 26.

[H. B. 120.]

MOTOR VEHICLE OPERATOR'S LICENSES.

AN ACT relating to motor vehicle operator's licenses, eliminating periodical reexamination of licenses except in certain instances and repealing section 56, chapter 188, Laws of 1937 as amended (sec. 6312-56, Rem. Rev. Stat.).

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

SECTION 1. Whenever the Director of Licenses has reasonable cause to believe, from an examination of individual driving or other records in his office or in the office of the State Patrol, that the holder of a motor vehicle operators' 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 shall have the power to require such licensee to appear for re-examination as to his or her qualifications to operate a motor vehicle: *Provided*, That the Director of Licenses may require persons within certain age groups to be re-examined 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. Except as above provided, the holders of valid motor vehicle operators' licenses shall not be required to be re-examined: *Provided further*,

Director of Licenses may order re-examination.

Age groups.

Right of
appeal.

That should any licensee be dissatisfied with any decision of the Director of Licenses, or other officers specified in this act, such licensee shall have the right of appeal from such decision to the Superior Court of Thurston County.

Repealing.

SEC. 2. Section 56, chapter 188, Laws of 1937, as amended by section 9, chapter 182, Laws of 1939 (sec. 6312-56, Rem. Rev. Stat.) is hereby repealed.

Passed the House February 18, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 27.

[H. B. 209.]

LEGISLATIVE EXPENSES.

AN Act appropriating the sum of sixteen thousand dollars (\$16,000), or so much thereof as may be necessary for the actual and necessary expenses of the Twenty-eighth Legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund of the State of Washington, the sum of sixteen thousand dollars (\$16,000), or so much thereof as may be necessary to be used for the purpose of paying the expenses except legislative printing of the Twenty-eighth Legislature of the State of Washington, convening January 11, 1943.

Effective immediately.

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

Passed the House February 5, 1943.

Passed the Senate February 16, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 28.

[H. B. 84.]

EMINENT DOMAIN PROCEEDINGS—SUSPENSION
OF INTEREST IN VERDICT.

AN ACT relating to interest on verdicts in eminent domain proceedings; providing for the suspension of such interest under certain conditions; and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever in any eminent domain proceeding, heretofore or hereafter instituted for the taking or damaging of private property, a verdict shall have been returned by the jury, or by the court if the case be tried without a jury, fixing the amount to be paid as compensation for the property so to be taken or damaged, such verdict shall bear interest at the rate of six per centum (6%) per annum from the date of its entry to the date of payment thereof; *Provided*, That the running of such interest shall be suspended, and such interest shall not accrue, for any period of time during which the entry of final judgment in such proceeding shall have been delayed solely by the pendency of an appeal taken in such proceeding.

Verdict in eminent domain shall bear interest.

Suspended during pendency of appeal.

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

Effective immediately.

Passed the House February 12, 1943.

Passed the Senate February 22, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 29.

[H. B. 94.]

PROBATE AND GUARDIAN PROCEDURE AND PRACTICE.

AN ACT relating to probate practice and procedure, providing for the settlement of interim accounts in guardianship proceedings and amending the probate code (chapter 156, Laws of 1917 as amended) by adding thereto a new section to be designated as section 205-1 (section 1575-1, Remington's Revised Statutes).

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

Amendments. SECTION 1. That the probate code (chapter 156, Laws of 1917 as amended) be amended by adding thereto a new section to be designated as section 205-1 (section 1575-1 of Remington's Revised Statutes), to read as follows:

Petition for settling account.

Section 205-1. Upon the filing of any intermediate account required by statute, or of any intermediate account required by court rule or order, the guardian may petition the court for an order settling his account with regard to any and all receipts, expenditures and investments made and acts done by the guardian to the date of said interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of such petition and require the service of the petition and a notice of such hearing upon the ward and upon the parent or parents of the ward, if living, and upon the guardian of the person of the ward, if such there be; and, in the event such a hearing be ordered, the court shall also appoint a guardian *ad litem*, whose duty it shall be to investigate the report of the guardian of the estate and to advise the court thereon at said hearing, in writing. At such hearing on said report of the guardian, if the court be satisfied that the actions of the guardian have

Court may set date for hearing.

Require service.

Guardian *ad litem*.

been proper, and that the guardian has in all respects discharged his trust with relation to such receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account, and such order shall be final and binding upon the ward, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or within one (1) year after said ward attains his majority any such interim account may be challenged by said ward on the ground of fraud.

Final order.

Right of appeal.

Challenge for fraud.

Passed the House February 9, 1943.

Passed the Senate February 19, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 30.

[H. B. 131.]

WATER RESOURCES. STREAM GAGING FUND.

AN ACT relating to water resources, authorizing the creation of a trust fund to be known as the "stream gaging fund" and providing how the same shall be constituted and the purpose for which it shall be expended, and defining the powers and duties of the Director of Conservation and Development in relation thereto.

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

SECTION 1. The Director of Conservation and Development, through and by means of the Supervisor of Hydraulics, is hereby authorized to create within his department a trust fund to be known as the "stream gaging fund." Into said fund shall be deposited all moneys contributed by persons, firms or corporations for stream flow data or other hydrographic information furnished by the department in cooperation with the United States Geological Survey and the fund shall be expended on a matching

Trust fund authorized.

How constituted.

Purpose.

basis with the United States Geological Survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the State of Washington. Disbursements from the stream gaging fund shall be on vouchers approved by the Supervisor of Hydraulics and the District Engineer of the United States Geological Survey.

How disbursed.

Passed the House February 4, 1943.

Passed the Senate February 19, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 31.

[H. B. 175.]

ESTRAYS. NOTIFICATION TO OWNERS.

AN ACT in relation to estrays providing for Auditor to notify owner of estrays found and form of notice; amending section 4, chapter 23, Laws of 1905 (section 3157, Remington's Revised Statutes; section 1990, Pierce's Code).

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

Amending ch. 23, Laws of 1905.

SECTION 1. That section 4, chapter 23, Laws of 1905 (section 3157, Remington's Revised Statutes; section 1990, Pierce's Code), be amended to read as follows:

Auditor shall examine records.

Section 4. Immediately upon registering any animal as found, the Auditor shall examine the record of "Estrays Lost" and if the animal found appears thereon, or if the animal bears a brand, the Auditor shall inquire of the State Director of Agriculture as to the record ownership of said brand, and if the animal found appears in the record of "Estrays Lost" or found to have a registered brand the Auditor shall immediately notify the owner by mailing him a notice addressed to the postoffice desig-

Notice to owner.

nated opposite his name on the record, which notice shall contain the information appearing in the fourth, fifth, sixth, seventh and eighth columns of the record, and shall require the owner to appear within twenty days from the date of such notice and pay all charges and take the said animal into his possession.

Contents of notice.

The several County Auditors shall keep on hand blank forms of such notice which shall be substantially as follows: To, Washington.

Form of notice.

You are hereby notified that your (here state the kind of animal), color, branded, earmarked, otherwise marked, has been taken up and by, and is now at and unless you pay all charges against the said stray, and take possession thereof within twenty days from this date, the same will be sold according to law.

Dated this day of, 19.....

P. O. Address

..... Auditor.

Passed the House February 10, 1943.

Passed the Senate February 19, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 32.

[H. B. 199.]

CORPORATIONS. LIMITING LIABILITY OF OFFICERS AND DIRECTORS SERVING IN ARMED FORCES.

AN ACT relating to corporations, limiting the liability of directors and officers in the military service of the United States, amending section 31, chapter 185, Laws of 1933, as amended by section 5, chapter 143, Laws of 1939 (section 3803-31, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 31 of chapter 185 of the Laws of 1933, as amended by section 5 of chapter 143 of the Laws of 1939 (section 3803-31, Remington's Revised Statutes) is amended to read as follows:

Board of directors.

I. The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation so require. A director shall hold office for the term for which he was named or elected and until his successor is elected and qualified.

Term of office.

Names and terms shall be stated.

II. The names and terms of office of the first directors shall be stated in the articles of incorporation. Except as provided in paragraph (b) of subdivision III of this section, directors other than those constituting the first board, shall be elected by the shareholders.

Shareholders elect.

Articles or by-laws prescribe.

III. The number, qualifications, terms of office, manner of election, time and place of meeting, and the powers and duties of the directors may, subject to the provisions of this act, be prescribed by the articles or by-laws. Except as otherwise prescribed in the articles or by-laws:

Director.

a. a director shall be elected for a term of one year;

Vacancies.

b. vacancies in the board of directors shall be filled by the remaining members of the board, and

each person so elected shall be a director until his successor is elected by the shareholders who make such election at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose and held prior thereto;

c. the meetings of the board of directors may be held at such place, whether in this state or elsewhere, as a majority of the directors may from time to time appoint;

Meetings.

d. a majority of the board of directors shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

Quorum.

e. the board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution, shall have and exercise the authority of the board of directors in the management of the business of the corporation;

Executive
Committee.

f. the board of directors may, by resolution passed by a majority of the whole board, grant a leave of absence to a director or officer of the corporation during the period he is in the military service of the United States, and said director or officer so granted said leave of absence shall not be responsible or liable to any person for any act or thing done or omitted to be done by or on behalf of the corporation, its directors, officers, agents or employees during the period of the leave of absence so granted, unless said act or omission to act was brought to the actual notice of, and actually approved by, the person so granted said leave of absence, and said notice and approval regularly evidenced by minutes duly entered in the corporate records.

Military
leave.

Non-liability
of absentee.

IV. The entire board of directors or any individual director, may, at a special meeting of the

Removal.

shareholders called for that purpose in the manner provided by section 27 of this act, be removed from office by a vote of shareholders holding a majority of the outstanding shares entitled to a vote at an election of directors. In case the board or any one or more directors be so removed, new directors may be elected at the same meeting. Unless the entire board be removed, no individual director shall be removed in case the votes of a sufficient number of shares are cast against the resolution for his removal, which, if cumulatively voted at an election of the full board, would be sufficient to elect one or more directors.

Meetings,
how called.

V. A meeting of the board of directors may be called, as provided for in the by-laws of the corporation. If the by-laws make no provision for such regular or special meetings, or if the last regular meeting provided for has not been held, then any two members of the board may call a meeting by signing a request that the same be called and deliver said request to the secretary of the corporation, who shall forthwith give notice to the board of directors of the time and place of the meeting, which notice shall fix the date thereof at not less than ten days nor more than twenty days after the time the said request is filed. In case the secretary fails to give such notice within ten days after the request has been filed with him, any two directors of the corporation may call such meeting, giving the same notice as herein provided.

Passed the House February 10, 1943.

Passed the Senate February 19, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 33.

[S. B. 201.]

IMPROVEMENTS BY PORT DISTRICTS AND ISSUANCE
OF REVENUE BONDS.

AN ACT relating to port districts, and to the construction of improvements by such port districts and the issuance of revenue bonds to pay the cost thereof; authorizing port districts to enter into additional covenants and trust indentures; providing for the safeguarding and custody of funds; providing for the further security of the holder of such bonds; validating proceedings heretofore taken for the issuance of said bonds; and protecting the enforcement of bonds in the event of refunding; and amending sections 5, 6 and 7, chapter 218, Laws of 1941 (sections 9718-5, 9718-6 and 9718-7, Rem. Supp. 1941) and amending chapter 218, Laws of 1941 by adding thereto three sections to be known as sections 5-a, 8-a and 8-b; providing for a validity clause; and declaring an emergency.

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

SECTION 1. Section 5, chapter 218, Laws of 1941 (section 9718-5, Rem. Supp. 1941), is amended to read as follows: Amendments.

Section 5. Bonds issued under the provisions of this act shall be payable solely out of revenues received from the use of the improvements acquired and/or constructed from the proceeds of the sale of such bonds, or from the proceeds of the sale or other disposition of said improvements. Moneys received by any port district from the sale or condemnation of property constructed or acquired by the issuance of revenue bonds under the authority of this act shall be used solely for the payment of the principal of and interest on the revenue bonds issued to pay the cost of construction or acquiring such property to the extent necessary to pay such principal and interest in full. Said bonds may be authorized by resolution adopted by the Port Commission of such port district. Such resolution or the trust indenture authorized by such resolution to secure such bonds Payable solely from revenues.

Resolution for bonds and fund.

as hereinafter provided, or both such resolution and trust indenture, shall provide for the creation of a special fund or funds into which fund or funds the Port Commission may obligate and bind such port district to set aside and pay a fixed proportion of the gross revenues received from the use of said improvements, or any fixed amount out of and not exceeding a fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, which fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this act. Such bonds shall be negotiable instruments under the law merchant even though they shall be payable solely from such special fund or funds and shall never be deemed a charge upon the tax revenues of such port district. Such bonds shall state upon their face that they are payable from such special fund or funds. Should the corporate authorities of any port district fail to set aside and pay into such fund or funds the payments provided for in such resolution or the trust indenture authorized by such resolution to secure such bonds as hereinafter provided, or in both such resolution and trust indenture, the holder of any such bonds may bring suit to compel compliance with the terms of such resolution or trust indenture, or both. Pending the preparation and execution of such bonds, temporary bonds may be issued in such form as the Port Commission of the port district may elect.

Proportion to fund.

Bonds negotiable.

Statement on bonds.

Holder may compel compliance.

Temporary bonds.

May secure by trust indenture.

Depository or trustee.

In the discretion of the Port Commission of any such port district, such bonds may be secured by a trust indenture, including indentures supplemental thereto, by and between such port district and a trustee, which shall be any trust company or bank having the powers of a trust company within or outside of the state.

Such trust indenture may appoint a depository and trustee to receive and disburse in the place and

stead of the County Treasurer, ex-officio treasurer of such port district, notwithstanding any other provision of the law to the contrary, all moneys received and to be received by said port district as the proceeds of sale of such bonds, and from the ownership, operation, sale, lease or other use or disposition of the improvements acquired from the proceeds of the sale of such bonds; and may pledge or assign to such depositary and trustee revenues to be received from the use of the improvements acquired and/or constructed from the proceeds of the sale of such bonds, and may pledge or assign moneys received as the proceeds of the sale, leasing or other disposition of said improvements, but shall not convey or mortgage such improvements or any part thereof. Either the resolution providing for the issuance of such bonds or such trust indenture or both, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the port district in relation to the construction, acquisition, betterment, maintenance, operation, repair and insurance of the improvements, and the custody, safeguarding and application of all moneys, and may also provide that such improvements shall be constructed and/or acquired and paid for under the supervision and approval of engineers employed or designated by the Port Commission of any such port district and satisfactory to the original purchasers of the bonds issued therefor, and may also require that security given by contractors and by any depositary and trustee of the proceeds of the bonds or revenues from the use of such improvements or other disposition thereof or any moneys pertaining thereto, be satisfactory to such purchasers. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depositary and trustee and to

May receive
and disburse
all proceeds.

Holders'
rights
protected.

Set forth
duties.

Bank
may be
depositary.

furnish such indemnifying bonds or to pledge such securities as may be required by such Port Commission.

Security required.

Holder of bonds not required to see application.

The Reconstruction Finance Corporation or any other agency of the United States Government making any such loan, or any other holder or owner of any bonds authorized by and issued pursuant to the provisions of this act shall not be required to see to the application of the moneys derived from such bonds to the purposes for which said bonds are issued as specified in any resolution or indenture, or both, authorizing the issuance thereof.

Amendment by adding new section.

SEC. 2. Chapter 218, Laws of 1941 (sections 9718-1 to 9718-8, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 5-a to read as follows:

Right of bondholders set forth.

Section 5-a. Any resolution or trust indenture authorizing the issuance of bonds pursuant to the provisions of this act, or both, may set forth the rights and remedies of the bondholders and of the depositary and trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing such resolution or trust indenture or both may contain such other provisions as the Port Commission of such port district may deem reasonable and proper, not in violation of law, for the security of the bondholders, which provisions may be those specifically described and authorized elsewhere in this act to be contained in the resolution authorizing issuance of such bonds, or may be other similar provisions customarily contained in trust indentures for the security of bondholders.

Restrict right of action.

Security of holders protected.

Covenants.

Without limiting the generality of the foregoing, any such resolution or indenture, or both, may contain covenants as to:

(1) The creation of a special fund or funds into which the proceeds of bonds issued pursuant to this act shall be deposited and the terms and conditions upon which payments may be made from said funds, and for the payment of interest on bonds issued pursuant hereto from the moneys in said funds;

Funds and payment.

(2) Maintaining rents, rates and charges for the use of the improvements constructed or acquired from the proceeds of such bonds and services rendered in connection therewith sufficient at all times to provide revenues to pay the interest of and principal on all bonds and other obligations payable from said revenues, and to meet all other payments from said revenues pursuant to, or as provided in, any resolution or indenture, or both, adopted or entered into in connection with the issuance of bonds under this act, and to pay the operating and maintenance costs of such improvements;

Charges to be maintained.

(3) Limitations upon the power of the Port Commission or other governing body of any such port district, or any other corporate authorities thereof, to divert the revenues derived from the operation, sale or lease or other disposition of any such improvements to any other purposes than the payment of the principal of and interest on all bonds payable from said revenues, and other payments from said revenues pursuant to, or as provided in, any resolution or indenture, or both, adopted or entered into in connection with the issuance of bonds under this act, and the payment of operating and maintenance costs of such improvements, and requiring the application of surplus revenues over and above said payments to the retirement of bonds or other obligations constituting a charge on said revenues as provided in such resolution or trust indenture, or both;

Limitation of diversions.

Application of surplus.

(4) The collection, depositing, custody and disbursement of the revenues of any such improvements, in the place and stead of the County Treas-

Handling of revenues.

- surer, ex-officio treasurer of such port district, notwithstanding any other provision of law to the contrary, including a specification of a depository and trustee designated to hold such deposits and granting to such depository and trustee, or other banks or trust companies authority to act as fiscal agent of any such port district for the custody of the proceeds of bonds and the moneys held in any fund created pursuant to said act or any such resolution or indenture, or both, authorizing such bonds, and to represent the holders of such bonds in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of such port district, or the corporate authorities thereof, in connection therewith, with such power and duty as such resolution or indenture, or both, may provide;
- Fiscal agent.**
- Budgets.** (5) The preparation of an annual budget and of monthly budgets for the operation, maintenance, renewal and replacement of said improvements, and the manner in which such budgets will be prepared and adopted, including the holding of public hearings thereon and limiting the authority to incur indebtedness or make expenditures in excess of such budgets;
- Budget hearings.**
- Reserve and other funds.** (6) The creation and administration of reserve and other funds for the payment of all indebtedness payable from the revenues of said improvements at or prior to maturity, and for the creation of working funds, depreciation funds, renewal funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of said improvements;
- Collateral security.** (7) The deposit of collateral security or indemnity bonds to secure the proceeds of all bonds issued pursuant to this act, and of all revenues of any such improvements and all moneys deposited in any spe-

cial fund created under the authority of this act, or any covenant hereunder;

(8) The obligation of any such port district to maintain such improvements in good condition and to operate same in an economical and efficient manner;

Obligation to maintain.

(9) The amount and kind of insurance to be carried by any such port district in connection with such improvements, and the equipment and properties thereof, the companies in which such insurance shall be carried and the term thereof, and the application of the proceeds of any such insurance, and all adjustments of losses, under any policy of insurance carried on such improvements;

Insurance.

(10) Limitations upon the amount of additional bonds, warrants, or other obligations payable from the revenues of such improvements which may be issued thereafter, and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

Limit on obligations.

(11) Limitations upon the creation of additional liens or encumbrances on the real or personal property of any such improvements;

Limit on encumbrances.

(12) The terms and conditions upon which the improvements, or any part thereof, may be purchased, acquired, sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

Terms of disposition.

(13) The operation, maintenance, management, accounting and auditing, and the keeping of records, reports and audits of any such improvements and the publication of same;

Records and audits.

(14) The appointment, powers and duties of a receiver in the event of a default in the payment of the principal of or interest on any bonds issued pursuant to this act, or in the event of a default in the performance of any duty or obligation of any such port district or the corporate authorities thereof, in

Receivership.

connection therewith, such receiver to be appointed as a matter of right upon application to any court of competent jurisdiction at the instance of a holder or owner, or holders or owners, of any such bonds;

Amendment
by assent of
holders.

(15) The amendment or modification of any resolution or indenture or both authorizing the issuance of any bonds hereunder, and the terms and conditions, and the amount or percentage of assenting bonds necessary to effectuate such amendment or modification;

Restricting
preferential
rates.

(16) Limitations on the use of the improvements or services rendered in connection therewith without payment therefor, restrictions upon the diversion of business or the giving or permitting of preferential treatment in rates or service or otherwise to other port facilities of such district, in competition with, or to the detriment of, the improvements constructed and/or acquired under this act, and obligations of the district as to the requiring of prior or preferential use of the improvements constructed and/or acquired under this act; and

Other
covenants as
may be
necessary.

(17) Such other covenants as may be deemed necessary or desirable to insure a successful and profitable operation of any such improvements.

Commission
rate
authority.

The Port Commission of any such port district shall have full and complete authority to fix rents, rates and charges for the use and occupation of, and any services rendered in connection with, any such improvements.

Expenses
part of cost.

All expenses incurred in carrying out such trust indenture may be treated as a part of cost of operation, maintenance and repair of said improvements.

Authorize by
resolution.

Any provision required or permitted to be contained in the resolution authorizing issuance of such revenue bonds hereunder may also or instead be contained in such trust indenture, and the execution of any such trust indenture shall be authorized by the resolution authorizing issuance of the bonds,

which resolution may authorize issuance of the bonds pursuant to the terms of such trust indenture. The bonds issued pursuant to the terms of such trust indenture and secured thereby may be made payable at the office of the trustee and/or such other place or places within or outside the state as the trust indenture may provide, and all funds held by the trustee shall be held in trust solely for the purposes designated in such trust indenture.

Place of
payment.

SEC. 3. Section 6, chapter 218, Laws of 1941 (section 9718-6, Rem. Supp. 1941), is amended to read as follows:

Amendments.

Section 6. Any such port district may from time to time refund any bonds authorized by and issued pursuant to this act by the issuance of new bonds as herein provided, whether the bonds to be refunded have or have not matured and may issue bonds to refund matured coupons evidencing interest upon any such bonds so refunded. Any such port district may issue bonds partly to refund bonds and matured coupons as above provided, and partly for any other purposes in connection with the construction, betterment, operation and maintenance of such improvements. No defense of invalidity, or irregularity in any such bonds funded or refunded by the issuance of bonds hereunder shall be a valid defense in any action at law or equity for a judgment upon or for the enforcement or collection of any bonds authorized by and issued pursuant to this act, and no court shall have jurisdiction to entertain any such defense in any such action or proceeding.

District may
refund.

Refunding
operation.

Invalidity
no defense.

SEC. 4. Section 7, chapter 218, Laws of 1941 (section 9718-7, Rem. Supp. 1941), is amended to read as follows:

Amendments.

Section 7. Any resolution authorizing the issuance of bonds pursuant to the provisions of this act may contain covenants of any such port district to protect and safeguard the security and rights of the

Resolution
may protect
bondholders.

holders of any such bonds, and such other covenants not inconsistent with the other provisions of this act which will increase the marketability of such bonds. The provisions of this act and of any such resolution and of any trust indenture entered into pursuant to section 5 of this act, shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Amendment
by adding
new section.

SEC. 5. Chapter 218, Laws of 1941 (sections 9718-1 to 9718-8, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 8-a to read as follows:

Prior acts
validated.

Section 8-a. Any proceedings which have heretofore been taken by any port district and any contracts which have heretofore been entered into by such port district, including contracts entered into through issuance of revenue bonds or through the execution of any trust indenture to secure such bonds, which proceedings or contracts are authorized under the provisions of this act, shall be regarded as having been taken or entered into under the authority of this act, notwithstanding the fact that such proceedings may have been taken or such contracts may have been entered into prior to the enactment hereof, and such proceedings and such contracts are hereby validated, ratified and confirmed.

Amendment
by adding
new section.

SEC. 6. Chapter 218, Laws of 1941 (sections 9718-1 to 9718-8, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 8-b to read as follows:

Limitation
of invalidity.

Section 8-b. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the

act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 7. This act is necessary for the immediate preservation of the public peace and safety and for the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate February 16, 1943.

Passed the House February 24, 1943.

Approved by the Governor February 25, 1943.

CHAPTER 34.

[S. B. 19.]

TAXATION—LIEN OF TAXES—LIABILITY FOR PAYMENT OF TAXES AS BETWEEN VENDOR AND VENDEE; AND GRANTOR AND GRANTEE.

AN ACT relating to taxation, the lien of taxes, the liability for payment of taxes as between grantor and grantee, and as between vendor and purchaser, and amending section 7, chapter 30, Laws of 1935, as amended by section 45, chapter 206, Laws of 1939 (section 11265 of Remington's Revised Statutes, Supplement), and stating effective date.

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

SECTION 1. That section 7, chapter 30, Laws of 1935, as amended by section 45, chapter 206, Laws of 1939 (section 11265 of Remington's Revised Statutes, Supplement) be amended to read as follows:

Amendments.

Section 7. The taxes assessed upon real property shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor and the grantee of any real property, and as between the vendor and the purchaser of any real property, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor

Taxes lien upon realty from Jan. 1.

Proportion-
ate liability
of buyer and
seller fixed.

Taxes lien on
personalty
from date
of listing.

Lien upon
each item.

Distrain
unaffected
by sale.

Become lien
upon realty
of person
assessed.

Effective
date.

or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property from and after the date upon which the same is listed with and valued by the County Assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the Treasurer as provided in section 86 of this act, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the County Treasurer and designated and charged upon the tax rolls as provided in section 112 of this act, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

SEC. 2. This Act shall become effective on January 1, 1944.

Passed the Senate February 2, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 35.

[S. B. 35.]

PROSECUTING ATTORNEYS—APPOINTMENT OF DEPUTIES.

AN ACT relating to Prosecuting Attorneys; amending section 6, chapter LV, Laws of 1891 as amended by section 1, chapter 7, Laws of 1903 (section 115 of Remington's Revised Statutes; section 1785 of Pierce's Code, 1939).

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

SECTION 1. Section 6, chapter LV, Laws of 1891 as amended by section 1, chapter 7, Laws of 1903 (section 115 of Remington's Revised Statutes; section 1785 of Pierce's Code, 1939) is amended to read as follows: Amendments.

Section 6. The Prosecuting Attorney of each county may appoint one or more deputies who shall have the same power in 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, but his appointment may be revoked by the Prosecuting Attorney at will. The Prosecuting Attorney shall be responsible for the acts of his deputies. Deputies, how appointed; powers and duties.
Qualifications.
Revocation.
Responsibility of principal.

Passed the Senate January 26, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 36.

[S. B. 42.]

QUALIFICATIONS OF LEGAL NEWSPAPERS.

AN ACT relating to the qualifications of legal newspapers.

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

Suspension forced by war.

Legal status restored by court order.

Reinstatement procedure.

SECTION 1. Where a newspaper has become established as a legal newspaper within the provisions of chapter 99, Laws of 1921 (section 253-1 to section 253-7, Remington's Revised Statutes) as amended by chapter 213, Laws of 1941 (section 253a to section 253-5a, Rem. Supp. 1941) and has been forced to cease publication since December 8, 1941, due primarily to war conditions and to matters pertaining to the war effort, and such newspaper thereafter and before one (1) year after the formal termination of the present war has resumed publication, such newspaper may become and be a legal newspaper upon being approved as a legal newspaper by order of the Superior Court of the county in which such newspaper is published. Such order may be entered without notice upon presentation of a petition by or on behalf of the publisher, setting forth the qualifications of the newspaper as required by said statutes, and particularly the length of time that such newspaper has ceased or stopped publication, and the time of resuming such publication, and upon evidence satisfactory to the court that the cessation of such publication was due primarily to war conditions and to matters pertaining to the war effort, and that such newspaper has resumed publication, the court may enter an order approving such newspaper as a legal newspaper.

Passed the Senate February 3, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 37.

[S. B. 43.]

RETIREMENT OF JUDGES OF SUPERIOR AND SUPREME COURTS.

AN ACT relating to the retirement of Judges of the Supreme and Superior Courts and amending section 4, chapter 229 of the Laws of 1937 (section 11054-4 of Remington's Revised Statutes, 1940 Supplement; section 4418-204 of Pierce's Code).

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

SECTION 1. That section 4, chapter 229, Laws of 1937 (section 11054-4 of Remington's Revised Statutes, 1940 Supplement; section 4418-204 of Pierce's Code) is amended to read as follows:

Amendments.

Section 4. That every judge of the Superior Court of the State of Washington who shall have retired from office under the provisions of this act, during the balance of the term for which he shall have been elected, shall, if physically able, hold court when and where required to do so by the president-judge of The Association of the Superior Court Judges of the State of Washington, without compensation, but he shall be paid his necessary expenses by the county where so engaged; and every judge of the Supreme or Superior Court of the State of Washington who shall have retired from office under the provisions of this act, may be required to act as judge pro tem, if physically able, when so appointed by the presiding judge of the Superior Court of any judicial district in this state, without compensation, but he shall be paid his necessary expenses by the county where so engaged. If any such retired judge shall accept an appointment or an election to a judicial office, he shall be entitled to receive the full salary pertaining thereto, and his retirement pay under this Act shall be suspended

Retired judges shall hold court when required.

Expenses to be paid by county.

Judge pro tem.

Retirement pay suspended if accepts appointment.

during such term of office and his salary then received shall be subject to contribution to the Judges' Retirement Fund as provided in this Act.

Passed the Senate February 2, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 38.

[S. B. 59.]

SERVICE RECORD OF VETERANS RECORDED BY COUNTY AUDITORS.

AN ACT relating to service records of veterans.

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

Service
records
recorded
without
charge.

SECTION 1. Each County Auditor of the several counties of the State of Washington shall record upon presentation without expense, in a suitable permanent record the honorable discharge of any veteran who was a resident of the county, at the time of his enlistment or induction into the armed forces of the United States.

Certified
copy *prima
facie* proof.

SEC. 2. A certified copy of such record shall be *prima facie* proof for all purposes of the services rendered, citizenship, place and date of birth of such veteran.

Passed the Senate February 4, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 39.

[S. B. 60.]

CONSTRUCTION OF FISH PROTECTIVE FACILITIES.

AN ACT relating to fisheries; providing for the construction of fish protective facilities; providing for the payment of costs relating thereto; defining offenses and providing penalties; amending section 79, chapter 31, Laws of 1915, as amended by section 6, chapter 90, Laws of 1923 (sec. 5731, Rem. Rev. Stat.).

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

SECTION 1. That section 79, chapter 31, Laws of 1915, as amended by section 6, chapter 90, Laws of 1923 (sec. 5731, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 79. In the event that any person, firm, corporation or government agency desires to construct a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the Director of Fisheries, then such person, firm, corporation or government agency, before any construction work shall commence on such dam or other hydraulic work shall at the option of the Director of Fisheries (1) convey to the State of Washington a site of the size and dimensions satisfactory to the Director of Fisheries, at such place as may be selected by the Director of Fisheries, and erect thereon a fish hatchery, rearing ponds and other buildings according to plans and specifications to be furnished by said person, firm, corporation or government agency subject to the approval of the Director of Fisheries and enter into an agreement with the Director of Fisheries secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery and rearing ponds

Where fish ladder impracticable.

Provide site and hatchery.

Director to approve.

Agreement to operate and maintain.

Alternative. or (2) enter into an agreement with the Director of Fisheries secured by good and sufficient bond to pay to the State of Washington such initial money and make such annual payments of additional money to the State of Washington as the Director of Fisheries may determine is necessary to expand, maintain and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work. The provisions of this section shall not apply to cases where the right to use or divert such waters or to erect such dams as has heretofore been granted or has become vested, or where dams have been heretofore constructed in streams to a height where construction of a fish ladder is impracticable. Any decision of the Director of Fisheries hereunder shall be subject to review in the Superior Court of the State of Washington for Thurston county. Any person, firm, corporation or government agency who shall fail to comply with the provisions of this act shall be guilty of a gross misdemeanor and each day that such person, firm, corporation or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this act shall constitute a separate offense.

Finance expansion of existing facilities.

Exceptions.

Director's decisions may be reviewed.

Penalty for violation.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 40.

[S. B. 61.]

PROTECTION OF FISH LIFE.

AN ACT relating to the protection of fish life, requiring written approval of certain officers before constructing any hydraulic project; defining offenses and providing penalties.

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

SECTION 1. In the event that any person, firm, corporation or government agency desires to construct any form of hydraulic project or other project that will use, divert, obstruct or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person, firm, corporation or government agency shall submit to the Department of Fisheries and the Department of Game full plans and specifications of their proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence and shall secure the written approval of the Director of Fisheries and the Director of Game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person, firm, corporation or government agency shall commence construction on any such works or projects without first providing plans and specifications subject to the approval of the Director of Fisheries and the Director of Game for the proper protection of fish life in connection therewith and without first having obtained written approval of the Director of Fisheries and the Director of Game as to the adequacy of such plans and speci-

Directors of
Fisheries and
Game
to approve
plans.

Penalty for
violation.

Subject to
abatement.

fications submitted for the protection of fish life, he, it or they shall be guilty of a gross misdemeanor. If any such person, firm, corporation or government agency be convicted of violating any of the provisions of this act and continues construction on any such works or projects without fully complying with the provisions of this act, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

Passed the Senate February 3, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 41.

[S. B. 62.]

TAKING OF FOOD FISH AND SHELLFISH.

AN Act relating to food fish and shellfish; prescribing the purpose for which food fish and shellfish may be taken, possessed and used; defining offenses; providing penalties; amending section 69, chapter 31, Laws of 1915 as amended by section 1, chapter 109, Laws of 1939 (sec. 5721, Rem. Rev. Stat.) and declaring that this act shall take effect March 31, 1943.

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

Amendments. SECTION 1. That section 69, chapter 31, Laws of 1915, as amended by section 1, chapter 109, Laws of 1939 (sec. 5721, Rem. Rev. Stat.) be amended to read as follows:

Fishing or
possession
unlawful
except for
food or bait.

Section 69. It shall be unlawful to take or fish for or have in possession any food fish or shellfish of any kind, character or description unless the same are to be used for food or bait: *Provided*, That the Director of Fisheries shall have the power from time

to time to make, adopt, amend and promulgate in the manner provided by law, rules and regulations permitting the possession, sale or use of any species of food fish or shellfish.

Director may make rules.

It shall be unlawful for any person, firm or corporation to violate any of the rules, regulations or orders made by the Director of Fisheries or to violate any of the provisions of this section, and any person, firm or corporation violating any of the rules, regulations or orders made by the Director of Fisheries, or any of the provisions of this section, shall be guilty of a gross misdemeanor.

Penalty provided.

SEC. 2. This act is necessary for the support of the State Government and its existing public institutions and shall take effect March 31, 1943.

Effective immediately.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 42.

[S. B. 66.]

FOOD FISH—PROHIBITING INTERFERENCE WITH OPERATION OF FISHWAYS.

AN ACT relating to food fish; prohibiting interference with the proper operation of fishways; defining offenses and providing penalties.

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

SECTION 1. It shall be unlawful for any person to fish for, take, injure, kill or molest any fish in any fishway or fish ladder or to interfere in any manner whatsoever with the proper operation of any fishway or fish ladder. Any person violating any of the

Fishways protected.

Penalty
provided.

provisions of this act shall be guilty of a gross misdemeanor.

Passed the Senate February 3, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 43.

[S. B. 67.]

VIOLATIONS—FISHERIES—CONCURRENT JURISDICTION OF JUSTICES OF THE PEACE WITH SUPERIOR COURTS IN IMPOSING PENALTIES.

AN ACT relating to fisheries providing for concurrent jurisdiction of Justices of Peace with Superior Courts in imposing penalties for violations of laws relating thereto and amending chapter 31, Laws of 1915 by adding thereto a new section to be known as section 117A.

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

Amendment
by adding
new section.

SECTION 1. That chapter 31, Laws of 1915 be amended by adding thereto a new section to be known as section 117A reading as follows:

Justice
courts have
concurrent
jurisdiction.

Section 117A. Every Justice of the Peace shall have jurisdiction concurrent with the Superior Court of all misdemeanors and gross misdemeanors committed in violation of the Fisheries Code and of the rules, regulations and orders made by the Director of Fisheries in accordance with existing law and to impose any punishment, including confiscation provided for such offenses: *Provided*, That no fine imposed by any Justice of the Peace shall exceed two hundred and fifty dollars (\$250.00) for each separate offense: *Provided further*, No Justice of the Peace shall have the power to confiscate any fishing appliance, boat or any equipment used in the fish-

Maximum
penalty
limited.

Confiscation
authority
limited.

ing industry having a replacement value in excess of five hundred dollars (\$500.00).

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 44.

[S. B. 68.]

TAKING OF FOOD FISH WITH JIGGERS.

AN ACT relating to the taking of food fish with jiggers; amending section 72, chapter 31, laws of 1915 as amended by section 1, chapter 8, Laws of 1941 (sec. 5724, Rem. Supp. 1941); amending section 72a chapter 31, Laws of 1915 as enacted by section 2, chapter 8, Laws of 1941 (sec. 5724-1, Rem. Supp. 1941); repealing section 3, chapter 8, Laws of 1941 (sec. 5724-2, Rem. Supp. 1941) and declaring that this act shall take effect March 31st, 1943.

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

SECTION 1. That section 72, chapter 31, Laws of 1915, as amended by section 1, chapter 8, Laws of 1941 (sec. 5724, Rem. Supp. 1941) be amended to read as follows:

Amendments.

Section 72. It shall be unlawful to shoot, gaff, snag or snare any food fish in any of the waters of the state: *Provided*, That nothing in this section shall prohibit the fishing for true cod (*Gadus macrocephalus*), ling cod (*Ophiodon elongatus*) and red snapper (*Sebastes ruberrimus*), with an appliance commonly known as a jigger to have no more than two hooks attached.

Unlawful to shoot, etc., food fish.

Exceptions.

SEC. 2. That section 72a, chapter 31, Laws of 1915 as enacted by section 2, chapter 8, Laws of 1941 (sec. 5724-1, Rem. Supp. 1941) be amended to read as follows:

Amendments.

Section 72a. Any person fishing with a jigger for commercial purposes shall pay a license fee of five

Commercial license fee.

dollars (\$5.00) per year to the Director of Fisheries of this state.

Repeals. SEC. 3. That section 3, chapter 8, Laws of 1941 (sec. 5724-2, Rem. Supp. 1941) be repealed.

Effective date. SEC. 4. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1943.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 45.

[S. B. 71.]

FISHERIES—REGULATING THE TAKING OF EULACHAN, SMELT, CANDLEFISH AND HERRING FOR COMMERCIAL AND PERSONAL USE.

AN ACT relating to food fish, amending section 51B, chapter 31, Laws of 1915, as enacted by section 2, chapter 133, Laws of 1931, as amended by section 1, chapter 71, Laws of 1939 (sec. 5704b, Rem. Rev. Stat.), and repealing section 2, chapter 71, Laws of 1939 (sec. 5704b-1, Rem. Rev. Stat.).

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

Amendments. SECTION 1. That section 51B, chapter 31, Laws of 1915, as enacted by section 2, chapter 133, Laws of 1931, as amended by section 1, chapter 71, Laws of 1939 (sec. 5704b, Rem. Rev. Stat.) be amended to read as follows:

License fee. Section 51B. There shall be paid for each dip bag net license for the taking of eulachan, smelt, candlefish or herring for commercial purposes in the State of Washington, a fee of five dollars (\$5.00): *Provided, however,*

Exception. That any one person may take not to exceed the personal use limits of eulachan, smelt, candlefish or herring in any one day for the personal use of such person in such areas and at such times

as commercial fishing for eulachan, smelt, candlefish or herring is permitted therein.

SEC. 2. That section 2, chapter 71, Laws of 1939 (sec. 5704b-1, Rem. Rev. Stat.) be and the same is hereby repealed. Repealed.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 46.

[S. B. 72.]

FOOD AND SHELLFISH—DUTIES OF DIRECTOR OF FISHERIES.

AN ACT relating to food fish and shellfish defining certain duties of the Director of Fisheries; providing for the disposition of license fees, taxes, and other moneys into the fisheries fund; amending section 6, chapter 31, Laws of 1915, as amended by section 1, chapter 169, Laws of 1917 (sec. 5658, Rem. Rev. Stat.) and amending section 48, chapter 31, Laws of 1915 as amended by section 9, chapter 169, Laws of 1917 and section 2, chapter 180, Laws of 1921 (sec. 5700, Rem. Rev. Stat.).

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

SECTION 1. That section 6, chapter 31, Laws of 1915, as amended by section 1, chapter 169, Laws of 1917 (sec. 5658, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 6. The Director of Fisheries shall devote his time to the duties of his office and shall enforce the laws for the propagation, protection and preservation of food fishes and shellfishes. He shall purchase, construct, charter and operate the boats necessary to properly patrol the waters of the state in the enforcement of the laws. He shall have charge and control of and operate and maintain the fish hatcheries now or that may hereafter be owned Director shall enforce laws.

Maintain patrols.

Operate hatcheries.

Select hatchery sites.

by the state. He shall select and purchase suitable lands for hatchery purposes and build hatcheries thereon. He shall have authority to sell, lease, convey or grant concessions upon any property, real or personal, heretofore or hereafter acquired for the State of Washington and under control of the Department of Fisheries. He shall make an annual typewritten or mimeographed report on or before the 1st day of April of each year to the Governor, containing a detailed statement of his actions under this act, of the operation and result of the laws pertaining to the fish industry, the method of taking fish, the number of fish propagated, and full and complete statistics of the fishing business, and suggestions as to needed legislation whenever he shall deem it necessary. He shall designate which are the food fishes, and which are shellfishes when such designations are not specifically made by the laws of this state.

Report to governor.

Designate food and shell fishes.

Amendments.

SEC. 2. That section 48, chapter 31, Laws of 1915, as amended by section 9, chapter 169, Laws of 1917 and section 2, chapter 180, Laws of 1921 (sec. 5700, Rem. Rev. Stat.) be amended to read as follows:

Revenues to fisheries fund.

Section 48. All license fees, catch taxes and other taxes, fines and moneys realized from the sale of property seized or confiscated under the provisions of this act, and all bail moneys forfeited under prosecutions instituted under the provisions of this act, and all moneys realized from the sale of any of the property real or personal, heretofore or hereafter acquired for the State of Washington and under control of the Department of Fisheries, and all moneys collected for damages and injuries to any such property, and all moneys collected for rentals or concessions from such property, shall be paid into the state treasury and placed in a fund known as the "Fisheries Fund," which shall not be used for any pur-

pose other than for the propagation, protection and perpetuation of food fishes, and/or shellfishes, and the administration and enforcement of the laws relating thereto. All unexpended balance thereof shall continue in such fund unless otherwise disposed of by the legislature. The Director of Fisheries is directed to expend such funds, as nearly as is justifiable in the localities from which they are collected. All fines collected shall be remitted monthly by the Justice of the Peace or by the clerk of the court collecting the same to the County Treasurer of the county in which the same shall be collected, and the County Treasurer shall at least once a month remit the same to the State Treasurer and shall at the same time furnish a statement to the Director of Fisheries showing the amount of fines so remitted and from whom collected.

Use of fund limited.

Monies remitted monthly.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 47.

[S. B. 10.]

ACKNOWLEDGMENTS OF WRITTEN INSTRUMENTS BY MEMBERS OF ARMED FORCES AND U. S. MERCHANT MARINE.

AN ACT relating to acknowledgments of written instruments and to acknowledgments by persons serving in or with the armed forces of the United States within or without the United States and by persons employed on a merchant vessel of the United States Merchant Marine.

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

Officers may take acknowledgments.

SECTION 1. In addition to the acknowledgment of instruments in the manner and form and as otherwise authorized by the laws of this State, any person serving in or with the armed forces of the United States may acknowledge the same wherever located before any commissioned officer in active service of the armed forces of the United States with the rank of Second Lieutenant or higher in the Army or Marine Corps, or Ensign or higher in the Navy or United States Coast Guard or master or first officer of a merchant vessel of the United States Merchant Marine. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officers' certificate of acknowledgment shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in the following form:

Form of certificate.

On this day of 19....., before me, the undersigned officer, personally appeared known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States or employed on a merchant vessel of the United States Merchant Marine and to be the person whose name is subscribed to the within instrument and

acknowledged thathe executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate the master or first officer of a merchant vessel of the United States Merchant Marine or a commissioned officer of the rank stated below in the active service of the armed forces of the United States.

.....
Signature of Officer

.....
Rank of Officer and Command or Vessel
to which attached.

SEC. 2. All acknowledgments heretofore taken before officers of the United States Army in accordance with the terms and provisions of Public Law No. 800, 77th Congress, chapter 730, Second Session are hereby validated.

Prior acts
validated.

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

Effective
immediately.

Passed the Senate January 26, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 48.

[S. B. 82.]

MINING—PRACTICAL COURSES IN INSTITUTIONS OF
HIGHER LEARNING.

AN ACT providing for the establishment of a course in practical prospecting in the institutions of higher learning.

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

Regents may prescribe prospecting courses.

SECTION 1. The Board of Regents of the University of Washington and of the State College of Washington may prescribe a special course of instruction in practical prospecting in their schools of mines which shall be open to special students desirous of studying such subject, but who are ineligible for admission to either institution on account of having deficient entrance credits.

Passed the Senate February 2, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 49.

[H. B. 93.]

MOTOR VEHICLES—LIMITED DRIVING PERMITS.

AN ACT relating to motor vehicles, authorizing the issuance of limited driving permits to persons under sixteen years of age engaged in farm work and declaring an emergency and the effective period of the act.

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

SECTION 1. Upon receiving a written application for permission for a person under the age of sixteen (16) years to operate a motor vehicle in connection with farm work, the application being also signed by the applicant's father, or mother, or legal guardian, the Director of Licenses is hereby authorized, after causing an examination of the applicant to be made to issue a limited driving permit to such person. Such permit shall authorize the holder to operate a motor vehicle within a restricted farming locality which shall be described upon the face thereof. A permit issued under this act shall expire July 31 of each odd numbered year and shall be renewable without reexamination. The Director of Licenses shall charge a fee of fifty (.50) cents for each such permit and renewal thereof, to be paid to the State Treasurer and deposited by him to the credit of the highway safety fund. The Director of Licenses shall have authority to transfer this permit from one locality to another, through cooperation of the highway patrol, but this does not constitute a renewal of the permit.

Director of Licenses may issue limited driving permit.

Use restricted.

Expiration.

Fee.

Transfer of locality.

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

Effective immediately.

and shall take effect immediately and shall remain in force only for the duration of the existing war.

Passed the House February 4, 1943.

Passed the Senate February 25, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 50.

[H. B. 100.]

INCREASE OF SALARIES OF JUDGES OF SUPERIOR AND SUPREME COURTS.

AN ACT relating to the salaries of the Judges of the Supreme Court and of the Superior Courts, amending section 1, chapter 57, Laws of 1907 as amended by section 1, chapter 77, Laws of 1919 and by section 1, chapter 188, Laws of 1921 (section 11053, Remington's Revised Statutes; section 8577, Pierce's Code), and repealing section 2, chapter 57, Laws of 1907 as amended by section 2, chapter 77, Laws of 1919, and repealing section 1, chapter 169, Laws of 1923 (section 11053-1, Remington's Revised Statutes; section 8577-1, Pierce's Code).

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

Amendments. SECTION 1. Section 1, chapter 57, Laws of 1907, as amended by section 1, chapter 77, Laws of 1919, and by section 1, chapter 188, Laws of 1921 (section 11053, Remington's Revised Statutes; section 8577, Pierce's Code, is amended to read as follows:

Judges' salaries fixed.

Section 1. Each judge of the Supreme Court shall receive an annual salary of eighty-five hundred dollars (\$8500). Each judge of the Superior Court shall receive an annual salary of sixty-five hundred dollars (\$6500).

Repealed. SEC. 2. Section 2, chapter 57, Laws of 1907, as amended by section 2, chapter 77, Laws of 1919, is repealed.

SEC. 3. Section 1, chapter 169, Laws of 1923 (section 11053-1, Remington's Revised Statutes; section 8577-1, Pierce's Code) is repealed. Repealed.

SEC. 4. Nothing contained in this act shall affect the salary of any judge now in office during the term for which he has been elected. Non-effective during term.

Passed the House February 15, 1943.

Passed the Senate February 25, 1943

Approved by the Governor March 1, 1943.

CHAPTER 51.

[H. B. 160.]

SCHOOLS—EDUCATION, HEALTH AND WELFARE OF CHILDREN ATTENDING PUBLIC SCHOOLS.

AN ACT relating to education, health and welfare of children in attendance at public schools; granting school directors certain powers; amending chapter 160, Laws of 1939 by amending section 1 thereof (section 4706-1, Remington's Revised Statutes, Supplement) and adding thereto a new section; and repealing section 1, chapter 50, Laws of 1925, Extraordinary Session (section 4806-1, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 1, chapter 160, Laws of 1939 (section 4706-1, Remington's Revised Statutes, Supplement), is amended to read as follows: Amendment.

Section 1. The directors of any school district may establish, equip and operate lunch rooms in school buildings for pupils and teachers: *Provided*, The expenses of food supplies shall not exceed the revenue from the sale of lunches in any school year. Lunch rooms may be provided.
Limitation.

Amendment
by adding
new section.

SEC. 2. Chapter 160, Laws of 1939, is amended by adding thereto a new section to read as follows:

May employ
lunch room
personnel.

Section 2. The directors of any school district may employ for not more than one year, and for sufficient cause may discharge personnel required for the preparation of lunches and for the supervision of pupils during the lunch periods, and may fix, alter, allow and order paid their salaries and compensation from the general school fund of the district.

Repealed.

SEC. 3. That section 1, chapter 50, Laws of 1925, Extraordinary Session (section 4806-1, Remington's Revised Statutes), is repealed.

Effective
immediately.

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

Passed the House February 12, 1943.

Passed the Senate February 25, 1943.

Approved by the Governor March 1, 1943.

CHAPTER 52.

[H. B. 104.]

SCHOOLS—TEACHERS—NOTICE OF NONRENEWAL
OF CONTRACTS

AN ACT relating to and prescribing the powers and duties of boards of directors of school districts providing for notice of nonrenewal of employment contracts, amending section 1, chapter 179, Laws of 1941 (section 4776 of Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 1, chapter 179, Laws of 1941 (section 4776 of Remington's Revised Statutes), is amended to read as follows: Amendments

Section 1. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty: Duty of Board of Directors.

First: To employ for not more than one year, and for sufficient cause to discharge teachers, and to fix, alter, allow and order paid their salaries and compensation. Employ and discharge teachers.

The directors, except in districts of the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the County Superintendent as by law required. One-year terms.

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district, Written contracts.

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district, Written notice of non-renewal.

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district, Reason to be stated.

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district,

Presumption
of reemploy-
ment.

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

Proviso.

Enforce
rules.

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

Maintain
school
houses.

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

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

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

Govern
attendance.

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

Provide free
textbooks.

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

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

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

Exclude immoral books.

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

Schools may be used for other purposes.

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

Provide transportation.

Limitation.

Contract with other district.

Provide insurance.

Twelfth: To establish and maintain night schools.

Thirteenth: To make arrangements for free in-

Establish night schools.

Provide instruction for deaf.

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

Attendance apportionment.

Purchase supplies jointly.

Fourteenth: To join with directors of other school districts in buying supplies, equipment and services collectively by establishing and maintaining a joint purchasing agency or otherwise, when the directors deem it for the best interests of the district.

Effective immediately.

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

Passed the House February 10, 1943.

Passed the Senate February 27, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 53.

[H. B. 143.]

RATIFYING FORMER CONVEYANCE OF CERTAIN REAL
PROPERTY BY CITY OF OLYMPIA AND SCHOOL
DISTRICT NO. 320.

AN ACT relating to the relief of the City of Olympia, a municipal corporation, and Olympia School District No. 320, a municipal corporation, authorizing the conveyance and sale of certain real property without limitation of perpetuity in the public; ratifying former conveyances thereof and in the name of the public waiving any claim of perpetuity thereto.

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

SECTION 1. That the City of Olympia, a municipal corporation, and Olympia School District No. 320, a municipal corporation, are hereby authorized to convey and sell without limitation of perpetuity in the public the following described real property situate, lying and being in Thurston County, State of Washington, to-wit:

Authorizing
conveyance.

Blocks one hundred thirty-one (131), one hundred thirty-two (132), and one hundred fifty-one (151), of West Olympia, according to the plat of record in Volume 1 of Plats, page 12, Thurston County Auditor's Records, and to apply the money received therefrom to the General Fund of Olympia School District No. 320, hereby ratifying all conveyances thereof heretofore made and waiving in the public any claim of perpetuity thereto.

Description.

Former
conveyances
ratified.

Passed the House February 16, 1943.

Passed the Senate February 27, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 54.

[H. B. 146.]

ADDITIONAL FUNDS FOR OPERATION OF COMMON SCHOOLS.

AN ACT declaring the legislative intent, relating to education, providing for extension of school district budgets, making an appropriation therefor and declaring an emergency.

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

Declaration of intent.

SECTION 1. Because of the rising costs of living and the war emergency, it is hereby declared to be the intent of the legislature to provide necessary additional funds for the operation of the common schools of the state during the remainder of the school fiscal year and to provide necessary funds to carry out the purpose of this act.

School district budgets increased.

SEC. 2. The amount fixed for warrent issue in the general fund budget of each school district in the state for the school fiscal year ending June 30, 1943, is hereby increased for the purpose of permitting the board of directors of each district to increase the compensation of the employees of the district in such amount as is provided in this act for reimbursement to a school district from state funds and in any additional amount which the board of directors of the district may deem it advisable to pay out of any general fund cash reserve on hand.

Districts to be reimbursed.

SEC. 3. Any school district which shall make payments to its employees, subsequent to the date upon which this act becomes effective, in addition to the amounts designated in written contracts or in any other stipulations respecting the compensation of employees shall be reimbursed out of the appropriation provided for in this act to the extent of the additional payments so made: *Provided*, That in no case shall the reimbursement aforementioned exceed ninety dollars (\$90) for each full-time em-

Limitation.

ployee actually employed during the last three months of the current school year, and such part of ninety dollars (\$90) for each part-time employee as the time employed during such three months bears to full time: *Provided, further,* That in the case of substitute teachers the reimbursement shall not exceed the sum of one dollar fifty cents (\$1.50) per day for each day taught during such three months. Limitation.

SEC. 4. It shall be the duty of the Superintendent of Public Instruction to prescribe regulations and procedures to be employed by school district officers and by County Superintendents of Schools in determining the amount of reimbursement due the school districts of the different counties under the provisions of this act and to certify to the State Auditor the amount of such reimbursement due the school districts of each county, which amount shall be paid to the County Treasurer of the county for the credit of the school districts thereof. Regulations to be prescribed.

SEC. 5. There is hereby appropriated from the general fund the sum of one million four hundred thousand dollars (\$1,400,000), or so much thereof as may be necessary, to carry out the provisions of this act. Appropriation.

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

Passed the House February 15, 1943.

Passed the Senate February 27, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 55.

[H. B. 181.]

CREATION OF TRUST FUNDS BY CERTAIN BANKS
AND TRUST COMPANIES.

AN ACT relating to common trust funds; and the creation thereof by banks and trust companies qualified to act as fiduciary, and to make uniform the law with reference thereto.

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

Banks may establish trust funds.

SECTION 1. Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, or to itself and others, as co-fiduciaries; and may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciary or co-fiduciaries to such investment: *Provided*, That any bank or trust company qualified to act as fiduciary in this state, which is not a member of the Federal Reserve System, shall, in the operation of such common trust fund, comply with the rules and regulations as made from time to time by the Supervisor of Banking and the Supervisor of Banking is hereby authorized and empowered to make such rules and regulations as he may deem necessary and proper in the premises.

Supervisor of banking to make rules.

Court may require accounting.

SEC. 2. Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the Superior Court, secure

approval of such an accounting on such conditions as the court may establish.

SEC. 3. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Uniform with other states.

SEC. 4. This act may be cited as the Uniform Common Trust Fund Act. Citation.

SEC. 5. 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. Provisions severable.

SEC. 6. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed. Repeals acts inconsistent.

SEC. 7. This act shall apply to fiduciary relationships in existence at the time this act takes effect or thereafter established. Application.

Passed the House February 16, 1943.

Passed the Senate February 26, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 56.

[H. B. 219.]

STANDARDS OF QUALITY OF DAIRY FOODS.

AN ACT relating to the standards of quality of dairy products and the powers of the Director of the State Department of Agriculture with reference thereto during the war emergency; and amending section 92, chapter 7, Laws of 1921 (section 10850, Remington's Revised Statutes; section 4-92, Pierce's Code); and declaring an emergency.

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

Amendments. SECTION 1. Section 92, chapter 7, Laws of 1921 (section 10850, Remington's Revised Statutes; section 4-92, Pierce's Code), is amended to read as follows:

Duty of Director of Agriculture.

Section 92. The Director of Agriculture shall have the power, and it shall be his duty, through and by means of the division of dairy and live stock:

Destroy diseased animals.

(1) To exercise all the powers and perform all the duties relating to diseases among domestic animals, the quarantine and destruction of diseased animals, now vested in, and required to be performed by, the Commissioner of Agriculture;

Regulate dairies and milk products.

(2) To exercise all the powers and perform all the duties relating to milk, milk products, and dairies and dairy products, now vested in, and required to be performed by, the Commissioner of Agriculture;

Registration of stallions and jacks.

(3) To exercise all the powers and perform all the duties relating to the registration of stallions and jacks, now vested in, and required to be performed by, the Commissioner of Agriculture;

Enforce livestock laws.

(4) To enforce and supervise the administration of all laws relating to dairies, dairy products, live stock, and dairy and live stock interests: *Provided, however,* That during the present war emergency the Director of Agriculture, through and by the means of the Division of Dairy and Live Stock may cause to be maintained the federal standards of qual-

War emergency standards.

ity and manufacture of milk and milk products notwithstanding other and different standards heretofore maintained by virtue of any administrative regulation or statutory requirement of the State of Washington.

SEC. 2. This act is necessary for the peace, health and welfare of the state and its institutions and in furtherance of its contribution to the war effort and shall take effect immediately, but shall expire not later than April 1, 1945, unless re-enacted.

Effective
Immediately.

Expires
April 1, 1945.

Passed the House February 12, 1943.

Passed the Senate February 27, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 57.

[H. B. 191.]

CONSTRUCTION, OPERATION AND REPAIR OF IRRIGATION DITCHES.

AN ACT relating to irrigation districts, to the maintenance, operation, repair, construction and reconstruction of ditches, laterals, pipe lines and other water conduits which are used or will be used to carry water for irrigation purposes to irrigate lands located within the boundaries of a city or town, providing for the payment of the cost thereof by the city or town, and providing for the withholding of the delivery of water until the charges are paid, amending section 7417-2 of Remington's Compiled Statutes of Washington, as amended by section 1, chapter 31, Laws of 1933, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 7417-2, Remington's
Compiled Statutes as amended by section 1, chapter 31, Laws of 1933, be amended to read as follows:

Amendments.

Section 7417-2. Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

Irrigation
district
authority.

Operate
electric
utility.

1. To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair and maintain the same, for the generation and transmission of electrical energy, used in the operation of pumping plants and irrigation systems of the district, and to sell the surplus of any such electrical energy over and above the requirements of the irrigation districts to municipalities, public and private corporations and individuals, on such terms and conditions as the Board of Directors shall determine: *Provided*, That no contract entered into by such board for the sale of electrical energy to continue for a period longer than ten years shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections.

May sell
surplus
power.

Contract
limitation.

Operate
domestic
water
system.

2. To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

Operate
drainage
system.

3. To construct, repair, operate and maintain a system of drains, as herein provided.

Assume
indebtedness.

4. To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

Furnish
irrigation
water in
cities.

5. To maintain, repair, construct and reconstruct ditches, laterals, pipe lines and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town where the owners of land within such city or town shall use such irrigation works to carry water to the boundaries of such city or town for

irrigation or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such irrigation works to the lands located within the boundaries of such city or town until such charges have been paid.

Pro rate cost.

Cease service for non-payment.

6. To acquire, install and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have the authority to repair, operate and maintain such hydrants and mains.

Maintain fire fighting facilities.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

Other powers not abridged.

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

Effective immediately.

Passed the House February 26, 1943.

Passed the Senate February 25, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 58.

[S. B. 38.]

APPROPRIATION FOR RELIEF OF JOHN P.
VAN ORSDEL ET AL.

AN ACT making an appropriation for the payment of the salary and expenses of John P. Van Orsdel et al, pursuant to decision of the Supreme Court of the State of Washington.

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

Preamble.

SECTION 1. The Board of State Land Commissioners by official action employed John P. Van Orsdel to act as check-cruiser pursuant to the provisions of section 3, chapter 217 of the Session Laws of 1941. Pursuant to said employment he entered upon the cruising work, employing the necessary compassmen as his assistants. The appropriation section of chapter 217 of the Session Laws of 1941 having been vetoed by the Governor, no funds were available for the payment of the salary and expenses. The right of the Board to employ his services was upheld by the Supreme Court of the State of Washington by Case No. 28896 dated November 5, 1942, granting a writ of mandate to compel the State Auditor to issue a warrant in payment of his salary and expenses and the salary and expenses of his compassmen.

Appropriation.

SEC. 2. There is hereby appropriated for the Board of State Land Commissioners out of the General Fund of the State Treasury, the sum of Fifteen Thousand Six Hundred Thirty-Two (\$15,632.00) Dollars for the payment of the salary and expenses of John P. Van Orsdel and his compassmen for the period ending March 31, 1943, to be expended upon vouchers duly approved by said Board.

Effective immediately.

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

the support of the State Government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 27, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 59.

[S. B. 22.]

REMOVAL OF REGENTS OF INSTITUTIONS OF HIGHER LEARNING.

AN ACT relating to the removal of regents of the University of Washington, Washington State College and the State Colleges of Education.

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

SECTION 1. No regent of the University of Washington or of Washington State College, or of the State Colleges of Education shall be removed during the term of office for which appointed, excepting only for misconduct or malfeasance in office, and then only in the manner hereinafter provided. Before any regent may be removed for such misconduct or malfeasance, a petition for removal, stating the nature of the misconduct or malfeasance of such regent with reasonable particularity, shall be signed and verified by the Governor and served upon such regent. Said petition, together with proof of service of same upon such regent, shall forthwith be filed with the Clerk of the Supreme Court. The Chief Justice of the Supreme Court shall thereupon designate a tribunal composed of three (3) Judges of the Superior Court to hear and adjudicate the charges. Such tribunal shall fix the time of hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the Supreme Court. Re-

Removal of
regents
limited.

Petition.

Proof of
service.

Three-judge
tribunal.

Public
hearing.

Decision
final.

moval of any member of the board by the tribunal shall disqualify such member for reappointment.

Passed the Senate February 2, 1943.

Passed the House February 26, 1943.

Approved by the Governor March 3, 1943.

CHAPTER 60.

[S. B. 65.]

TAXES—PRIVILEGE TAX ON CERTAIN FOOD FISH AND SHELLFISH.

AN ACT providing for a privilege tax on crabs, tuna and chinook salmon, prescribing the duties of certain officers, defining offenses, providing penalties and creating a lien on canneries, packing plants, scows, boats and their fishing equipment for such taxes and fees, amending section 1, chapter 125, Laws of 1941 (sec. 5704-1, Rem. Supp. 1941), repealing chapter 84, Laws of 1939 (sec. 5703-1, Rem. Rev. Stat.) and declaring that this act shall take effect March 31, 1943.

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

Amendments. SECTION 1. That section 1, chapter 125, Laws of 1941 (sec. 5704-1, Rem. Supp. 1941) be amended to read as follows:

Tax to be levied. Section 1. There shall be paid to the Treasurer of the State of Washington by every person, firm or corporation engaged in packing and/or canning crabs and tuna within the districts of Columbia River, Puget Sound, Willapa Harbor and Grays Harbor for the privilege of engaging in packing and/or canning crabs and tuna within said districts the sums herein mentioned which shall be in addition to the license fees provided by law upon all crabs and tuna received or purchased for canning or canned by such persons, firms or corporations within said districts as follows:

Rate of tax. On all crabs, fifteen cents (15¢) per case.

A case for the purposes of this act shall be held to contain forty-eight (48) one pound cans, bottles or their equivalent in weight. Definition.

On all tuna at the rate of fifteen cents (15¢) per hundred pounds. Rate of tax.

There shall be paid to the Treasurer of the State of Washington by every person, firm or corporation operating within the districts of Columbia River, Puget Sound, Willapa Harbor and Grays Harbor as a buyer, curer, freezer, broker, wholesaler or retail dealer of crabs and tuna for the privilege of operating within the said districts as a buyer, curer, freezer, broker, wholesaler or retail dealer of crabs and tuna the sums herein mentioned which shall be in addition to the license fees provided by law upon all crabs and tuna handled by such person, firm or corporation as follows: Privilege tax on crab and tuna.

On all crabs five cents (5¢) per dozen. Rate of tax:

On all tuna at the rate of fifteen cents (15¢) per hundred pounds.

There shall be paid to the Treasurer of the State of Washington by every person, firm or corporation operating within the Columbia River district as a canner, curer, buyer, freezer, broker, wholesaler or retail dealer of chinook salmon for the privilege of operating within said district as a canner, curer, buyer, freezer, broker, wholesaler or retail dealer of chinook salmon the sum of one-half cent (1/2¢) per pound on all chinook salmon handled by such person, firm or corporation between August 11 and September 30, both inclusive, in any year, which shall be in addition to all other license fees provided by law. Privilege tax on chinook salmon.

Rate of tax.

Time limit.

The privilege fees herein provided for shall be collected but once and shall be collected from the licensee first handling such crabs, tuna and/or chinook salmon either as a packer, canner, curer, freezer, broker, buyer, wholesaler or retail dealer, and in order that this end may be accomplished, the Director of Fisheries and the State Treasurer are hereby Tax to be collected from first operator.

authorized to determine finally any dispute arising out of the operation and enforcement of this section.

The privilege fees herein provided for shall be paid to the State Treasurer on March 1 and September 1 or at such other times as the Director of Fisheries may order and direct. For the purposes of determining the amount of crabs, tuna and/or chinook salmon handled, each person, firm or corporation subject to the provisions of this act shall furnish the State Treasurer with a report showing the total number and/or pounds of crabs, tuna and/or chinook salmon received, the total weight to be computed in the whole or round, stated separately upon blanks furnished upon request by the Director of Fisheries.

The privilege fees herein required shall constitute a first lien upon the cannery, packing plant, buildings, scow, boat and its equipment used in the canning, handling or transporting of the said crabs, tuna and/or chinook salmon.

The State Treasurer and the Director of Fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the privilege fees herein required and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of such privilege fees.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the State Treasurer or the Director of Fisheries or to violate any of the provisions of this act.

The privilege fees herein provided for shall be paid on all crabs, tuna and/or chinook salmon handled regardless of where taken or caught, it being the intention that every person, firm or corporation operating as a packer, canner, curer, freezer, broker,

Date of
payment
of tax.

Tax to
constitute
lien.

State to
make rules.

Require
reports.

Unlawful
acts.

Fees to be
paid on all
operations.

Intention.

buyer, wholesaler or retail dealer of crabs, tuna and/or chinook salmon shall pay the fees herein provided for the privilege of operating as a packer, canner, curer, freezer, broker, buyer, wholesaler or retail dealer of crabs, tuna and/or chinook salmon.

Privilege fee.

Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Penalty section.

Every Justice of the Peace shall have jurisdiction concurrent with the Superior Court of all misdemeanors committed in violation of this act and to impose any punishment in this act provided for such offenses.

Justice of peace has concurrent jurisdiction.

SEC. 2. That chapter 84, Laws of 1939 (sec. 5703-1, Rem. Rev. Stat.) be repealed.

Repeals.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31, 1943.

Effective date.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 4, 1943.

CHAPTER 61.

[Sub. H. B. 6.]

INVESTMENTS OF MONEYS IN COUNTY CURRENT EXPENSE FUND BY COUNTY TREASURERS.

AN ACT authorizing County Treasurers to invest moneys in the county current expense fund in warrants drawn on the county tax refund fund and declaring an emergency.

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

Treasurers may invest.

County tax refund warrants.

Call in order of issuance.

Limitation.

Enter as suspense credit.

Hold warrant until paid.

Repay current expense fund.

Interest to continue.

SECTION 1. Whenever the County Treasurer of any county deems it expedient and for the best interests of the county so to do, such County Treasurer is hereby empowered and authorized to invest any moneys in the county current expense fund of such county in outstanding warrants drawn on the county tax refund fund of such county, in the following manner: When he shall have determined the amount of moneys in the county current expense fund so available for investment, the County Treasurer shall call, in the order of their issuance, a sufficient number of warrants drawn on the county tax refund fund as nearly as possible equalling in amount but not exceeding the moneys to be so invested, and upon presentation and surrender thereof shall pay to the holders of said warrants the face amount thereof and the accrued interest thereon out of moneys in the county current expense fund.

SEC. 2. Upon receipt of any such warrant, the County Treasurer shall enter the principal amount thereof, and accrued interest thereon, as a suspense credit upon his records, and shall hold the warrant until the same with interest, if any, is paid in due course out of the county tax refund fund, and upon such payment, the amount of such payment shall be restored to the county current expense fund. Prior to payment out of the county tax refund fund, as aforesaid, such refund warrants so held by the County Treasurer shall continue to draw interest until the payment thereof out of the county tax refund fund,

which said interest accruing subsequent to such acquisition by the County Treasurer shall be paid into the county current expense fund.

SEC. 3. Whenever it appears to the County Treasurer that the face amount plus accrued interest of the tax refund warrant next eligible for investment as aforesaid exceeds by one hundred dollars (\$100) or more the amount of moneys in the county current expense fund so found available for investment, the County Treasurer may notify such warrant holder thereof, and such warrant holder shall thereupon apply to the County Auditor for the breaking of the warrant and it shall be the duty of the County Auditor upon such application to take up the original warrant and reissue, as of the date which the original warrant bears, two new refund warrants one of which shall be in an amount approximately equaling, with accrued interest, the amount of moneys in the county current expense fund determined by the County Treasurer to be available for investment as aforesaid. Such new warrants when issued shall be callable and payable in the same order with respect to other outstanding tax refund warrants as the original warrant in lieu of which said new warrants were so issued.

Notice to
warrant
holder.

Apply for
breaking of
warrant.

Auditor
shall
reissue.

Retain
order.

SEC. 4. In making settlements of accounts between outgoing and incoming County Treasurers, any county tax refund warrants in which moneys in the county current expense fund has [have] been invested as aforesaid shall be deemed in every way the equivalent of cash and shall be receipted for by the incoming County Treasurer as such.

Equivalent
of cash.

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

Effective
immediately.

Passed the House February 15, 1943.

Passed the Senate March 1, 1943.

Approved by the Governor March 4, 1943.

CHAPTER 62.

[H. B. 40.]

RELATING TO NOTICES TO ALIEN PROPERTY
CUSTODIAN.

AN ACT providing for mailing to the Alien Property Custodian of a copy of process or notice in any action or proceeding involving property, where service of process or notice is required to be made upon or given to a person in an enemy country or enemy occupied country.

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

Copy of
notice to
alien
property
custodian.

SECTION 1. In any court or administrative action or proceeding within this State, involving property within this State or any interest therein, in which service of process is required to be made upon or notice thereof given to any person who is in a designated enemy country or enemy-occupied territory, in addition to the service of process upon or giving of notice to the person as required by any law, statute or rule applicable to the action or proceeding, a copy of the process or notice shall be sent by registered mail to the Alien Property Custodian, Washington, District of Columbia.

Definitions.

SEC. 2. For the purposes of this act:

(a) "Person" includes any individual, partnership, association and corporation;

(b) "Designated enemy country" means any foreign country as to which the United States has declared the existence of a state of war and any other country with which the United States is at war in the future;

(c) "Enemy-occupied territory" means any place under the control of any designated enemy country or any place with which, by reason of the existence of a state of war, the United States does not maintain postal communication.

Effective
immediately.

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

and shall take effect immediately and shall remain in force only so long as a state of war shall exist between the United States and the designated enemy country involved in the action or proceeding described in section 1 of this act. Termination fixed.

Passed the House January 28, 1943.

Passed the Senate March 1, 1943.

Approved by the Governor March 4, 1943.

CHAPTER 63.

[H. B. 59.]

MAINTENANCE OF PUBLIC JUNIOR COLLEGES.

AN ACT relating to education; providing for the maintenance of public junior colleges; making an appropriation; and amending section 9, chapter 146, Laws of 1941 (section 4623-9 of Rem. Supp. 1941).

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

SECTION 1. Section 9, chapter 146, Laws of 1941 (section 4623-9 of Rem. Supp. 1941) is amended to read as follows: Amendments.

Section 9. The state shall provide for the maintenance of each public Junior College the sum of seventy-five dollars (\$75) per student per year for general education, and one hundred dollars (\$100) per student per year for vocational education: *Provided*, That a minimum of ten thousand dollars (\$10,000) per year shall be provided for each Junior College whose continued operation is approved by the State Board of Education. Not more than twelve Junior Colleges shall be organized under the provisions of this act. If funds are not available in any given year to pay the full amount the available funds shall be prorated. The manner of apportionment, and regulations therefor, shall be prescribed by the State Board of Education: *Provided, however*, That State to provide maintenance.

Minimum.

Number limited.

Apportioned by State Board.

funds furnished by the state under the provisions of the act shall not be used to pay any of the existing indebtedness of any such Junior College or to pay any indebtedness incurred in refinancing any existing indebtedness.

Passed the House February 11, 1943.

Passed the Senate March 1, 1943.

Approved by the Governor March 4, 1943.

CHAPTER 64.

[H. B. 80.]

AGRICULTURE—CREATION OF SEED FUND.

AN ACT relating to moneys collected under the Washington State Seed Law and amending sections 36 and 38, chapter 56, Laws of 1941, making an appropriation and declaring an emergency.

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

Amendments. SECTION 1. That section 36, chapter 56, Laws of 1941 be amended to read as follows:

Director
to make
rules.

Section 36. The Director of Agriculture shall have the power and it shall be his duty to adopt, promulgate and enforce rules and regulations for the inspection, grading and certification of growing crops of agricultural or vegetable seed grown in this state, and to inspect, grade and certify the same at the request of the grower, and to fix and collect fees for such inspection, grading and certification.

Amendment. SEC. 2. That section 38, chapter 56, Laws of 1941 be amended to read as follows:

"Seed Fund"
created.

Section 38. All moneys collected under the provisions of this act shall be paid into a special fund which is hereby created in the State Treasury to be designated as the "Seed Fund" which said fund shall be expended exclusively for necessary expenses under this act. In order to establish the seed

fund and to finance operations until incoming revenue will balance expenditures, there is hereby appropriated for the biennium ending March 31, 1945 to the seed fund from the general fund the sum of five thousand (\$5,000.00) dollars which sum represents estimated revenues in the general fund accumulated as of April 1, 1943, from the operation and administration of this act.

Appropriation.

SEC. 3. This act is necessary for the support of the state government and its existing institutions and shall take effect April 1, 1943.

Effective immediately.

Passed the House February 18, 1943.

Passed the Senate March 1, 1943.

Approved by the Governor March 4, 1943.

CHAPTER 65.

[H. B. 35.]

UNEMPLOYMENT COMPENSATION—EXEMPTIONS.

AN ACT relating to unemployment compensation and exempting certain persons compensated by commission and amending chapter 162, Laws of 1937, as amended by chapter 214, Laws of 1939 and as amended by chapter 253, Laws of 1941, by adding thereto a new section.

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

SECTION 1. Chapter 162, Laws of 1937, as amended by chapter 214, Laws of 1939 and as amended by chapter 253, Laws of 1941, is hereby amended by adding thereto a new section following section 19 g (as numbered in chapter 253, Laws of 1941) to be designated as section 19 g (xiv) and to read as follows:

Amendment by adding new section.

Section 19 g (xiv). The word "employment" as used herein shall not include services performed by a real estate broker, real estate salesman, or real

Exemption.

estate agent to the extent that he is compensated by commission.

Passed the House February 8, 1943.

Passed the Senate March 1, 1943.

Approved by the Governor March 8, 1943.

CHAPTER 66.

[S. B. 36.]

COUNTY BUDGETS.

AN ACT relating to county budgets, tax levies and expenditures, and amending section 5 of chapter 164, Laws of 1923, as amended by section 1, chapter 301, Laws of 1927 (section 3997-5 of Remington's Revised Statutes) and declaring an emergency.

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

Amendment.

SECTION 1. That section 5 of chapter 164, Laws of 1923, as amended by section 1, chapter 301, Laws of 1927 (section 3997-5 of Remington's Revised Statutes) is amended to read as follows:

Appropriations defined.

Section 5. The estimates of expenditures itemized and classified as required in section 2 hereof and as finally fixed and adopted in detail by said Board of County Commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the County Commissioners and every other county official shall be limited in the making of expenditures and/or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, That upon a resolution formally adopted by the County Commissioners at a regular or special meeting and entered upon the minutes, transfers or revisions within the general class of "salaries and wages" and of "maintenance and operation" may be made: *Provided further*, That no salary class shall be increased above

Expenditures limited to appropriations.

Transfers within classes.

the total amount appropriated therefor. Transfers between the general classes provided in section 2 hereof shall not be permitted, except that in the case of appropriations for the county road and bridge fund, the road district funds and the permanent highway maintenance fund any transfer between and/or among the general classes of (1) salaries and wages, (2) maintenance and operation, and (3) capital outlay may be made.

Transfers between classes prohibited.

Road funds exception.

In addition to the above limitations neither the County Commissioners nor any other county official shall make any expenditure and/or incur any liability, except for emergencies of the kind and in the manner provided in the second paragraph of section 6 hereof, for any of the purposes for which road and bridge or road district funds may be properly expended, for any amount in excess of eighty (80) per centum of the amount of the taxes levied for collection during the current fiscal year for either the county road and bridge fund or any of the road district funds until the cash receipts from taxation or otherwise during such current fiscal year paid into such fund against which liabilities are sought to be incurred shall exceed such eighty (80) per centum of said tax levy by an amount not less than the amount of expenditure and/or liabilities in excess of said eighty (80) per centum of said tax levy sought to be made and/or incurred.

Expenditures limited to 80 per cent of taxes levied.

Monies received from borrowings shall be used for no other purpose than that for which borrowed except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until such bonds have been duly authorized.

Use of borrowings limited.

Expenditures made, liabilities incurred or warrants issued in excess of any of the detailed budget

Issuing
officials
liable for
budget
excesses.

Court order
may except.

Forfeiture
fourfold.

Effective
immediately.

appropriations or as revised by transfer as herein provided shall not be a liability of the county but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The County Auditor shall issue no warrant and the County Commissioners shall approve no claim for any expenditure in excess of said detailed budget appropriation or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any County Commissioner, or Commissioners, or County Auditor approving any claim or issuing any warrant in excess of any such budget appropriation except as above provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such County Commissioner or Commissioners or Auditor, or all of them, and their several sureties on their official bond.

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

Passed the Senate February 11, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 67.

[S. B. 50.]

DEPARTMENT OF PUBLIC SERVICE—COURT ACTIONS.

AN ACT relating to public service companies; providing for intervention by the Department of Public Service in certain court actions; and adding a new section to chapter 117, Laws of 1911, to be known as section 99-1.

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

SECTION 1. Chapter 117, Laws of 1911, is amended by adding thereto a new section to be known as section 99-1 reading as follows:

Amendment
by adding
new section.

Section 99-1. COURT ACTIONS INVOLVING RULES OR ORDERS OF DEPARTMENT—NOTICE REQUIRED—DEPARTMENT MAY INTERVENE: In all court actions involving any rule or order of the Department of Public Service, where the department has not been made a party, the department shall be served with a copy of all pleadings, and shall be entitled to intervene. Where the fact that the action involves a rule or order of the department does not appear until the time of trial, the court shall immediately direct the clerk to notify the department of the pendency of such action, and shall permit the department to intervene in such action.

Department
may
intervene.

Service of
pleadings.

Court shall
notify.

The failure to comply with the provisions of this section shall render void and of no effect any judgment in such action, where the effect of such judgment is to modify or nullify any rule or order of the department.

Failure voids
judgment.

Passed the Senate February 18, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 68.

[S. B. 51.]

PUBLIC SERVICE COMPANIES—TELEPHONE.

AN ACT relating to public service companies; conferring on the Department of Public Service the power to require connections between telephone lines, to prescribe the routing of toll messages and conversations, and to establish joint rates and divisions thereof; amending section 73 of chapter 117, Laws of 1911, as amended by section 1 of chapter 118, Laws of 1923 (section 10409, Remington's Revised Statutes); and repealing section 2 of chapter 118, Laws of 1923 (section 10409-1, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 73 of chapter 117, Laws of 1911, as amended by section 1 of chapter 118, Laws of 1923 (section 10409, Remington's Revised Statutes), is amended to read as follows:

To expedite service.

Section 73. POWER OF DEPARTMENT TO REQUIRE CONNECTIONS, PRESCRIBE METHOD OF ROUTING, AND ESTABLISH JOINT RATES AND DIVISIONS THEREOF: In order to provide toll telephone service where no such service is available, or to promote the most expeditious handling or most direct routing of toll messages and conversations, or to prevent arbitrary or unreasonable practices which may result in the failure to utilize the toll facilities of all telephone companies equitably and effectively, the Department of Public Service may, on its own motion, or upon complaint, notwithstanding any contract or arrangement between telephone companies, investigate, ascertain and, after hearing, by order (1) require the construction and maintenance of suitable connections between telephone lines for the transfer of messages and conversations at a common point or points and, if the companies affected fail to agree on the proportion of the cost thereof to be borne by each such company, prescribe said propor-

Department may require connection.

Prescribe proportion of cost.

tion of cost to be borne by each; and/or (2) prescribe the routing of toll messages and conversations over such connections and the practices and regulations to be followed with respect to such routing; and/or (3) establish reasonable joint rates or charges by or over said lines and connections and just, reasonable and equitable divisions thereof as between the telephone companies participating therein.

Prescribe routing.

Establish joint rates.

This act shall not be construed as conferring on the Department of Public Service jurisdiction, supervision or control of the rates, service or facilities of any mutual, cooperative or farmer line company or association, except for the purpose of carrying out the provisions of this section.

Exceptions.

SEC. 2. Section 2 of chapter 118, Laws of 1923 (section 10409-1, Remington's Revised Statutes), is hereby repealed.

Repealing.

Passed the Senate February 18, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 69.

[S. B. 89.]

OFFICIAL COURT REPORTERS.

AN Act relating to official court reporters; providing for their appointment; prescribing their qualifications, fixing their compensation and amending section 1, chapter 126, Laws of 1913 as amended by section 1, chapter 42, Laws of 1921, section 4, chapter 126, Laws of 1913, as amended by section 2, chapter 178, Laws of 1939, sections 3, 5 and 11, chapter 126, Laws of 1913 (sections 42-1, 42-3, 42-5 and 42-11, Remington's Revised Statutes and 42-4, Remington's Revised Statutes, Supplement), section 42-9, Remington's Revised Statutes (section 9, chapter 126, Laws of 1913 as amended by section 2, chapter 66, Laws of 1919) and repealing section 12, chapter 126, Laws of 1913 (section 42-12, Remington's Revised Statutes).

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

Amendment. SECTION 1. Section 1, chapter 126, Laws of 1913, as amended by section 1, chapter 42, Laws of 1921 (section 42-1, Remington's Revised Statutes) is amended to read as follows:

Judge to
appoint
reporter.

Section 1. It shall be and is the duty of each and every Superior Court judge in counties or judicial districts in the State of Washington having a population of over twenty-five thousand inhabitants to appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the Superior Court and two official reporters of the Superior Court of the State of Washington, appointed

Test of
proficiency.

by the Governor and such stenographic reporter shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: *Provided, however,* That not more than twelve (12) official reporters shall be appointed in any one county and in no event more than there are active judges in any county or judicial district; the appointments in Class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars (\$2,000) for the faithful discharge of his duties. No person shall be appointed to the office of official reporter who is not a citizen of and a duly qualified elector in the State of Washington. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the State of Washington.

Number limited.

Term of office.

Bond.

SEC. 2. Section 3, chapter 126, Laws of 1913 (section 42-3, Remington's Revised Statutes) is amended to read as follows:

Amendment.

Section 3. Each official reporter so appointed shall be paid a compensation at the rate of twenty-seven hundred dollars (\$2700) per annum, payable in equal monthly installments of two hundred twenty-five dollars (\$225) each, which compensation shall be paid out of the general fund of the county where such court is held. In districts comprising more than than one county it shall be the duty of the judge or judges in each such district on the first day of January of each year, or as soon there-

Compensation fixed.

Judges to apportion.

after as may be, to apportion the amount of the salary to be paid to the reporter by each county in his district according and in proportion to the number of criminal and civil actions entered and commenced in the Superior Court of such counties respectively in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expense of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides from the time he leaves his place of residence until he returns thereto, said expenses to be paid by the county to which he travels. If one trip includes two or more counties, the expenses may be apportioned between the counties visited in the same proportion as the amount of time spent in each county on that trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the County Auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter. The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as other state and county officers are paid.

Expenses
for travel.

Amendment.

SEC. 3. Section 4, chapter 126, Laws of 1913, as amended by section 2, chapter 178, Laws of 1939 (section 42-4, Remington's Revised Statutes, Supplement) is amended to read as follows:

Stenogra-
phers' costs.

Section 4. In each civil action hereafter commenced the sum of two dollars (\$2.00) shall be paid by the plaintiff at the time of the filing of the complaint to the Clerk of the Court, and at the time of

the appearance of the defendant, or any defendant appearing separately, there shall be paid in to the Clerk of the Court two dollars (\$2.00), and these sums so paid shall be taxed as costs in the case, and collected from the unsuccessful party in said action, and shall be known as stenographers' costs, which said stenographers' costs shall be paid by the Clerk of the Court into the county treasury of the county in which said action is commenced.

SEC. 4. Section 5, chapter 126, Laws of 1913 (section 42-5, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 5. When shorthand notes have been taken in any cause as in this act provided, if the court, or either party to the suit or action, or his attorney, request a transcript of the notes into long-hand, the official reporter shall make, or cause to be made, with reasonable diligence, full and accurate typewritten transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the Clerk of the Court where such trial is had for the use of the court or parties to the action. The fees of the reporter for making such transcript shall be fifteen cents (15¢) per folio of one hundred words for the original copy, and five cents (5¢) per folio for each carbon copy ordered before the original is made or made at the same time as the original; and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of this act, the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: *Provided*, That when the defendant in any criminal case shall present to the judge presiding satisfactory proof by affidavit or otherwise that he is unable to pay for such tran- Transcript on request.

Fees for transcript.

Taxable as costs.

Proviso.

script, the judge presiding, if in his opinion justice will thereby be promoted, may order said transcript to be made by the official reporter, which transcript fee therefor shall be paid out of the county treasury as other expenses of the court are paid.

Amendments. SEC. 5. Section 42-9 of Remington's Revised Statutes (section 9, chapter 126, Laws of 1913 and section 2, chapter 66, Laws of 1919) is amended to read as follows:

Amanuensis to court. Section 42-9. In all counties or judicial districts except in Class A counties and counties of the first class, such official reporter shall act as amanuensis to the court for which he is appointed.

Amendments. SEC. 6. Section 11, chapter 126, Laws of 1913 (section 42-11, Remington's Revised Statutes) is amended to read as follows:

Office furnished. Section 11. Suitable office space shall be furnished the official reporter.

Repealing. SEC. 7. Section 12, chapter 126, Laws of 1913 (section 42-12, Remington's Revised Statutes) is repealed.

May perform other services. SEC. 8. Nothing in this act or any other act or parts of acts or court rule shall be construed to preclude such official reporter from performing other and additional reporting service at any time when such service can be performed without conflict with or prejudice to the duties of the official reporter.

Acts inconsistent repealed. SEC. 9. All laws or parts of laws inconsistent with or repugnant to the provisions of this act are hereby repealed.

Passed the Senate February 15, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 70.

[S. S. B. 105.]

PLACES OF REFUGE.

AN ACT relating to the licensing and supervision of "Places of Refuge"; defining terms; prescribing the duties of officers in connection therewith; fixing fees; authorizing County Commissioners to adopt standard building codes and standard fire regulations in connection therewith; providing for appeal from certain decisions; defining offenses and providing penalties; and declaring an emergency.

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

SECTION 1. The term "Place of Refuge" when used in this act shall mean any hospital, asylum, alms house, building or dwelling for housing the aged, infirm, imbeciles, children or delinquents, wherein three or more persons, not related by blood or marriage to the householder, owner, operator or manager thereof, are lodged or boarded more than fifteen (15) days in any calendar month: *Provided*, That the term shall not include any hospital approved by the American College of Surgeons or the American College of Physicians.

"Place of Refuge" defined.

Hospitals excepted.

SEC. 2. No person, firm or corporation shall maintain or advertise the maintenance of any Place of Refuge without applying for and receiving from the County Commissioners, City Commissioners or City Council of the county or city wherein such Place of Refuge is located, a license for the operation of such Place of Refuge. Such license shall be issued annually on or before July 1 of each calendar year and shall expire on June 30 of each year. The fee for said license shall be two dollars (\$2.00) per year.

License required.

Fee.

SEC. 3. The County Commissioners of each county shall, before granting any license to any Place of Refuge, require that the premises to be licensed, be inspected by the County Health Officer

Inspection.

and by a fire inspector, and shall further require that said licensed premises be inspected quarterly by said County Health Officer: *Provided, however,* That in incorporated cities having a paid fire department and which have adopted a building code, the license shall be issued by the City Council or City Commission, as the case may be, after proper inspection by the City Health Officer and Fire Chief.

License may
be revoked.

SEC. 4. The County Commissioners or City Council or City Commissioners shall have the right to deny or revoke a license to any Place of Refuge if upon inspection thereof, it is found that the Place of Refuge is insanitary or in an unsafe condition as relates to health or fire hazards: *Provided,* That the County Commissioners, City Council or City Commissioners shall promptly notify the owner, operator or manager of such Place of Refuge as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied previous to such licensing, renewal or revocation.

Notice.

Codes and
regulations.

SEC. 5. County Commissioners are hereby authorized and empowered, with reference to Places of Refuge as in this act defined, to adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions, said codes and regulations to have the approval of the State Fire Marshal before final adoption by such County Commissioners.

Applicable
to all.

SEC. 6. The building codes or fire regulations when adopted by the County Commissioners shall be applicable to all Places of Refuge whether heretofore or hereafter constructed or converted: *Provided,* That where the licenses are issued by cities, as provided in section 3 hereof, such building codes or fire regulations so adopted by such County Commissioners shall not be applicable in any such city.

May demand
formal order.

SEC. 7. Any owner, operator or manager of a Place of Refuge deeming any order of the County

Commissioners, City Commissioners or City Council to be arbitrary or contrary to law may demand and obtain, within ten (10) days of request therefor, a formal order of denial or revocation. Such order shall set forth findings as to conditions on or about the premises which caused such denial or revocation of such license. Within thirty (30) days of receipt of such formal order denying or revoking such license, the aggrieved party may appeal by way of writ of review to the Superior Court of the county wherein such Place of Refuge is located. The Superior Court may order the taking of testimony as to the facts at issue and uphold the order, or it may overrule the order setting forth in what particular it is deemed that the order is arbitrary and contrary to law. Appeal to the Supreme Court may be taken from the judgment of the Superior Court as in civil actions.

Method of appeal.

SEC. 8. Any person, firm or corporation which shall operate and maintain a Place of Refuge without having in force a license so to do, shall be guilty of a misdemeanor.

Penalty for violation.

SEC. 9. The invalidity of any provision of this act shall not affect the validity of any other provision thereof.

Validity clause.

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

Effective immediately.

Passed the Senate February 5, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 71.

[S. B. 110.]

TRUST RECEIPTS AND PLEDGES OF PERSONAL
PROPERTY.

AN ACT relating to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

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

Definitions.

SECTION 1. *Definitions.* In this act, unless the context or subject matter otherwise requires:

"Buyer."

"Buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on the trustee's liberty of sale, including one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit. "Buyer in the ordinary course of trade" does not include a pledgee, a mortgagee, a lienor, or a transferee in bulk.

"Document."

"Document" means any document of title to goods.

"Entruster."

"Entruster" means the person who has or directly or by agent takes a security interest in goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. A person in the business of selling goods or instruments for profit, who at the outset of the transaction has, as against the buyer, general property in such goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

"Goods."

"Goods" means any chattels personal other than: money, things in action, or things so affixed to land as to become a part thereof.

“Instrument” means

“Instru-
ment.”

(a) any negotiable instrument as defined in the Uniform Negotiable Instruments Law and amendments thereto, or

(b) any certificate of stock, or bond or debenture for the payment of money issued by a public or private corporation as part of a series, or

(c) any interim, deposit, or participation certificate or receipt, or other credit or investment instrument of a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner. “Instrument” does not include any document of title to goods.

“Lien creditor” means any creditor who has acquired a specific lien on the goods, documents or instruments by attachment, levy, or by any other similar operation of law or judicial process, including a distraining landlord.

“Lien
creditor.”

“New value” includes new advances or loans made, on new obligations incurred, or the release or surrender of a valid and existing security interest, or the release of a claim to proceeds under section 10; but “new value” shall not be construed to include extensions or renewals of existing obligations of the trustee, nor obligations substituted for such existing obligations.

“New value.”

“Person” means, as the case may be, an individual, trustee, receiver or other fiduciary, partnership, corporation, business trust, or other association, and two or more persons having a joint or common interest.

“Person.”

“Possession,” as used in this act with reference to possession taken or retained by the entruster, means actual possession of goods, documents or instruments, or, in the case of goods, such constructive possession

“Possession.”

as, by means of tags or signs or other outward marks placed and remaining in conspicuous places, may reasonably be expected in fact to indicate to the third party in question that the entruster has control over or interest in the goods.

"Purchase." "Purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.

"Purchaser." "Purchaser" means any person taking by purchase. A pledgee, mortgagee or other claimant of a security interest created by contract is, in so far as concerns his specific security, a purchaser and not a creditor.

"Security Interest." "Security interest" means a property interest in goods, documents or instruments, limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever such title is in substance taken or retained for security only.

"Transferee in bulk." "Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole.

"Trustee." "Trustee" means the person having or taking possession of goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. The use of the word "Trustee" herein shall not be interpreted or construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this act.

"Value." "Value" means any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, and whether against the transferor or against another person, constitutes value where goods, documents or instruments are taken either in satisfaction thereof or as security therefor.

SEC. 2. *What Constitutes Trust Receipt Transaction and Trust Receipt.*

1. A trust receipt transaction within the meaning of this act is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in subsection 3, whereby

Trust
receipt
transaction.

(a) the entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or

(b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments or documents which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee: *Provided*, That the delivery under paragraph (a) or the giving of new value under paragraph (b) either

(i) be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or

(ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing.

The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise.

If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, section 9 and section 3, respectively, of this act, determine the priorities.

"Trust receipt" conclusive.

2. A writing such as is described in subsection 1, paragraph (i), signed by the trustee, and given in or pursuant to such a transaction, is designated in this act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

Limitation of trust receipt transaction.

3. A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following:

(a) in the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or

(b) in the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, transshipping or otherwise dealing with them in a manner preliminary to or necessary to their sale; or

(c) in the case of instruments, for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depositary or registrar, or for their presentation, collection, or renewal.

Limitations of pledge without delivery.

SEC. 3. *Attempted Creation or Continuance of Pledge Without Delivery or Retention of Possession.*

1. An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:

(a) to the extent that new value is given by the pledgee in reliance thereon, such pledge or agreement to pledge shall be valid as against all creditors with or without notice, for ten days from the time the new value is given;

(b) to the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who become such as prescribed in section 8, only as of the time the pledgee takes possession, and without relation back.

2. Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken.

3. Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments, in which he holds a pledgee's or other security interest, to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section.

SEC. 4. *Contract to Give Trust Receipt.* 1. A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on such contract, be equivalent in all respects to a trust receipt.

Contract equivalent to trust receipt.

2. Such a contract shall as to such goods, documents, or instruments be specifically enforceable against the trustee; but this subsection shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this act.

SEC. 5. *Validity Between the Parties.* Between the entruster and the trustee the terms of the trust receipt shall, save as otherwise provided by this act, be valid and enforceable. But no provision for forfeiture of the trustee's interest shall be valid except as provided in subsection 5 of section 6.

Validity between parties.

SEC. 6. *Repossession, Entruster's Right on Default.* 1. The entruster shall be entitled as against

Repossession.

the trustee to possession of the goods, documents or instruments on default, and as may be otherwise specified in the trust receipt.

Without process.

2. An entruster entitled to possession under the terms of the trust receipt or of subsection 1 may take such possession without legal process, whenever that is possible without breach of the peace.

Duties of entruster.

3. (a) After possession taken, the entruster shall, subject to subdivision (b) and subsection 5, hold such goods, documents or instruments with the rights and duties of a pledgee.

Entruster may sell.

(b) An entruster in possession may, on or after default, give notice to the trustee of intention to sell, and may, not less than five days after the serving or sending of such notice, sell the goods, documents or instruments for the trustee's account, at public or private sale, and may at a public sale himself become a purchaser. The proceeds of any such sale, whether public or private, shall be applied (i) to the payment of the expenses thereof, (ii) to the payment of the expenses of retaking, keeping and storing the goods, documents, or instruments, (iii) to the satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency. Notice of sale shall be deemed sufficiently given if in writing, and either (i) personally served on the trustee, or (ii) sent by post-paid ordinary mail to the trustee's last known business address.

Application of proceeds.

Notice of sale in writing.

Possession free of interest.

(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.

Surrender valid.

4. Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

Forfeiture in certain cases.

5. As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the

entruster, in the event of the trustee's default, against cancellation of the trustee's then remaining indebtedness; provided that in the case of the original maturity of such an indebtedness there must be cancelled not less than eighty per cent (80%) of the purchase price to the trustee, or of the original indebtedness, whichever is greater; or, in the case of a first renewal, not less than seventy per cent (70%), or, in the case of a second or further renewal, not less than sixty per cent (60%).

SEC. 7. *General Effect of Entruster's Filing or Taking Possession.* 1. (a) If the entruster within the period of thirty days specified in subsection 1 of section 8 files as in this act provided, such filing shall be effective to preserve his security interest in documents or goods against all persons, save as otherwise provided by sections 8, 9, 10, 11, 14 and 15 of this act.

Effect of
entruster's
filing.

(b) Filing after the lapse of the said period shall be valid; but in such event, save as provided in subdivision 2 (b) of section 9, the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing, without relation back, as against all persons not having notice of such interest.

2. The taking of possession by the entruster shall, so long as such possession is retained, have the effect of filing, in the case of goods or documents; and of notice of the entruster's security interest to all persons, in the case of instruments.

Effect of
possession.

SEC. 8. *Validity Against Creditors.* 1. The entruster's security interest in goods, documents or instruments under the written terms of a trust receipt transaction, shall without any filing be valid as against all creditors of the trustee, with or without notice, for thirty days after delivery of the goods, documents or instruments to the trustee, and thereafter except as in this act otherwise provided.

Validity
against
creditors.

But where the trustee at the time of the trust receipt transaction has and retains instruments, or

Limit
of time.

documents, the thirty days shall be reckoned from the time such instruments or documents are actually shown to the entruster, or from the time that the entruster gives new value under the transaction, whichever is prior.

Rights of
lien
creditors.

2. Save as provided in subsection 1, the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing.

Rights of
creditors.

3. (a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of the issuance of the process.

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, (i) an assignee for the benefit of creditors, from the time of assignment, or (ii) a receiver in equity from the time of his appointment, or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest.

Rights of
purchasers
in good
faith.

SEC. 9. *Limitations on Entruster's Protection Against Purchasers.* 1. Purchasers of negotiable documents or instruments.

(a) Nothing in this act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the en-

trustee's interest; and filing under this act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk.

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within section 3 of this act, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

2. Where a buyer from the trustee is not protected under subsection 1 hereof, the following rules shall govern:

Rights of buyers from trustee.

(a) Sales by trustee in the ordinary course of trade.

Buyers in ordinary course of trade.

(i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period specified in subsection 1 of section 8 of this act, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer.

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

(b) Purchasers other than buyers in the ordinary course of trade. In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this section; but any purchaser, not a buyer in the ordinary

Buyers in other than ordinary course of trade.

course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either

(i) gives new value before the expiration of the thirty day period specified in subsection 1 of section 8, or

(ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this subdivision (b).

Liberty of sale in trustee.

(c) Liberty of Sale. If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

Purchase constitutes purchase for new value.

3. As to all cases covered by this section the purchase of goods, documents or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any set-off or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

Exception.

Entruster entitled to:

SEC. 10. *Entruster's Right to Proceeds.* Where, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any disposition of the goods, documents or instruments, the entruster shall be entitled, to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee, as follows:

(a) To the debts described in section 9 (3); and also

Certain debts;

(b) To any proceeds or the value of any proceeds (whether such proceeds are identifiable or not) of the goods, documents or instruments, if said proceeds were received by the trustee within ten days prior to either application for appointment of a receiver of the trustee, or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting; and to a priority to the amount of such proceeds or value; and also

Certain proceeds;

(c) To any other proceeds of the goods, documents or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct; and knowledge by the entruster of the existence of proceeds, without demand for accounting made within ten days from such knowledge, shall be deemed such a waiver.

Other identifiable proceeds.

Sec. 11. *Liens in Course of Business Good Against Entruster.* Specific liens arising out of contractual acts of the trustee with reference to the processing, warehousing, shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee, whether or not filing has occurred under this act; but this section shall not obligate the entruster personally for any debt secured by such lien; nor shall it be construed to include the lien of a landlord.

Liens good against interest of entruster in goods.

Entruster not personally obligated.

Lien of landlord not included.

Sec. 12. *Entruster Not Responsible on Sale by Trustee.* An entruster holding a security interest shall not, merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee.

Entruster not responsible on sale by trustee.

SEC. 13. *Filing and Refiling Concerning Trust Receipt Transactions Covering Documents or Goods.*

Filing with Secretary of State.

1. Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the Secretary of State a statement, signed by the entruster and the trustee, containing:

Contents: Designation of parties and place of business;

(a) A designation of the entruster and the trustee, and of the chief place of business of each within this state, if any; and if the entruster has no place of business within the state, a designation of his chief place of business outside the state; and

Statement of trust;

(b) A statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and

Description of goods.

(c) A description of the kind or kinds of goods covered or to be covered by such financing.

Suggested form of statement.

2. The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this act:

“STATEMENT OF TRUST RECEIPT FINANCING

“The entruster,whose chief place of business within this state is at....., (or who has no place of business within this state and whose chief place of business outside this state is at.....) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee,whose chief place of business within this state is at..... of goods of the following description: (coffee, silk, automobiles, or the like).

“(Signed).....Entruster

“(Signed).....Trustee.”

Filing statement.

3. It shall be the duty of the filing officer to mark each statement filed with a consecutive file

number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement. The fee for such filing shall be one dollar (\$1.00).

Indexing statement.

Filing fee.

4. Presentation for filing of the statement described in subsection 1, and payment of the filing fee, shall constitute filing under this act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within thirty days previous to such filing, the subject-matter of a trust receipt transaction between the entruster and the trustee.

Filing, what shall constitute.

What covered.

5. At any time before expiration of the validity of the filing, as specified in subsection 4, a like statement, or an affidavit by the entruster alone, setting out the information required by subsection 1, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interests. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original.

Refiling.

SEC. 14. *Limitations on Extent of Obligations Secured.* As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of such transaction; but not, otherwise, to secure past indebtedness of the trustee, nor shall the obligation secured under any

Rights against purchasers and creditors.

Exception.

trust receipt transaction extend to obligations of the trustee to be subsequently created.

Transactions
excepted.

SEC. 15. *Act Not Applicable to Certain Transactions.* This act shall not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether such transactions be unaccompanied by delivery of possession, or involve constructive delivery, or delivery and redelivery, actual or constructive, so far as such transactions involve only an entruster who is an individual natural person, and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee.

Election of
statutes.

SEC. 16. *Election Among Filing Statutes.* As to any transaction falling within the provisions both of this act and of any other act requiring filing or recording, the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the act complied with; except that buyers in the ordinary course of trade as described in subsection 2 of section 9, and lienors as described in section 11, shall be protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another act.

Certain
buyers
protected.

Cases not
provided for.

SEC. 17. *Cases Not Provided For.* In any case not provided for in this act the rules of law and equity, including the law merchant, shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession.

Act to be
construed
uniformly.

SEC. 18. *Uniformity of Interpretation.* This act shall be so interpreted and construed as to effectu-

ate its general purpose to make uniform the law of the states which enact it.

SEC. 19. *Constitutionality.* If any provision of this act or the application thereof to any person or circumstances 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. Constitution-
ality.

SEC. 20. *Short Title.* This act may be cited as the Uniform Trust Receipts Act. Title.

SEC. 21. *Inconsistent Laws Not Controlling.* Notwithstanding the provisions of any general or special law, the provisions of this act shall control, excepting as to trust receipts and pledge transactions entered into before this act takes effect. Act
controlling.

Passed the Senate February 18, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 72.

[S. B. 116.]

ELECTIONS—ABSENT VOTING.

AN ACT relating to elections and absent and disabled voters, and amending section 1, chapter 41, Laws Extraordinary Session, 1933 (section 5280, Remington's Revised Statutes, Supplement).

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

Amendments. SECTION 1. Section 1, chapter 41, Laws of Extraordinary Session, 1933 (section 5280, Remington's Revised Statutes, Supplement) is amended to read as follows:

Absentee
may vote.

Section 1. Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability on the day on which there is to be held any election, may vote in the manner provided in this act: *Provided, however,* That in case of physical disability it be such that in the judgment of the registration officer the elector is and will be incapacitated from voting in the usual way. The registration officer shall accept any written application of an absent voter to which is affixed his or her *bona fide* signature and all applications shall contain a statement that the applicant will be absent or is so incapacitated (setting forth in what manner) that he or she cannot attend at the polls and vote in the usual way.

Proviso.

Passed the Senate February 5, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 73.

[S. B. 125.]

HIGHWAYS.

AN ACT relating to highways and amending section 4, chapter 187, Laws of 1937 (section 6450-4, Remington's Revised Statutes, Volume 7A).

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

SECTION 1. Section 4, chapter 187, Laws of 1937 (section 6450-4, Remington's Revised Statutes, Volume 7A) is amended to read as follows: Amendment.

Section 4. In the exercise of any of the powers and duties by this act or other law of this state vested in or imposed upon the Boards of County Commissioners with respect to the establishing, laying out, examining, surveying, constructing, altering, repairing, improving and maintaining of the county roads of any county, the same shall be under the supervision and direction of an engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction. Engineer shall supervise.

The Board of County Commissioners shall by resolution, and not otherwise, order the survey, establishment, construction, alteration or improvement of county roads; and the county road engineer shall prepare all necessary maps, plans and specifications therefor, showing the right of way widths, the alignments, gradients and standards of construction. Order by resolution.

At the general county election in the year 1938 and thereafter no County Engineer shall be elected in any county of the state. The Board of County Commissioners of each county shall exercise all the powers and perform all the duties that have been, now are, or shall be, by law vested in the County Engineer. Duties transferred.

Employ
full time
engineer.

Qualifica-
tions.

Duties.

Bond
required.

Shall
prepare
standards.

Commis-
sioners to
approve.

The Board of County Commissioners shall employ a full time county road engineer residing in said county who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction, who shall serve at the pleasure of the Board of County Commissioners and who shall have the supervision, under the direction of the Board of County Commissioners, of the establishing, laying out, constructing, altering, improving, repairing and maintaining of all county roads of such county. Such county road engineer shall examine and certify to the Board of County Commissioners all estimates and all bills for labor, materials, provisions and supplies with respect to county roads and perform such other duties as may be required by lawful order of the Board of County Commissioners of such county. Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such a reasonable amount as the Board of County Commissioners shall determine, conditioned that he will faithfully perform all the duties of his employment and will account for all property of the county entrusted to his care.

Within ninety (90) days after this amendatory act takes effect, each county road engineer shall prepare standards of construction for roads and bridges in his county: *Provided*, That in the case of roads the minimum width between shoulders shall be fourteen (14) feet with eight (8) feet of surfacing and in the case of bridges, which shall include all decked structures, the minimum standard shall be for H-10 loading in accordance with the State of Washington Highway Department standards. When such standards shall have been prepared by the County Engineer, they shall be submitted to the Board of County Commissioners for approval, and

when approved shall be used for all road and bridge construction and improvement in the county: *Provided*, That such standards may be amended from time to time by resolution of the Board of County Commissioners but no standard shall be approved by the board with any minimum requirement less than that specified herein. Two copies of such approved standards shall be filed with the Director of Highways for his use in his examination of county road work. Each construction or improvement project shall be numbered and accurate records shall be kept of such work by the County Road Engineer: *Provided further*, The provisions of this act as to full time County Road Engineer and as to residence shall not be applicable in counties of the fifth, sixth, seventh, eighth and ninth classes for the duration of the present war and for six (6) months after the termination thereof by the signing of a definite treaty of peace, or by proclamation of the President of the United States that hostilities have ceased.

May be amended.

Records.

War time exceptions.

Passed the Senate February 26, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 74.

[S. B. 159.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; providing for the inclusion of portions or all of cities and towns in sewer districts; and amending sections 1, 11 and 13, chapter 210, Laws of 1941 (sections 9425-10, 9425-22, Rem. Supp. 1941).

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

Amendments. SECTION 1. That section 1, chapter 210, Laws of 1941 (section 9425-10, Rem. Supp. 1941), is amended to read as follows:

Sewer districts authorized.

Section 1. Sewer districts for the acquirement, construction, maintenance, operation, development and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established in the various counties of this state. Such districts may include within their boundaries portions or all of one or more incorporated cities or towns or other political sub-divisions: *Provided, however,* No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority.

Consent required.

Amendments.

SEC. 2. That section 11, chapter 210, Laws of 1941 (section 9425-20, Rem. Supp. 1941), is amended to read as follows:

Planned system.

Section 11. It shall be the duty of the Sewer Commissioners of every sewer district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness to consider and determine upon and adopt the comprehensive scheme or plan for a system of sewers for such district for the purposes authorized in this act. For such purposes the Sewer Commissioners shall in-

investigate the several portions and sections of such sewer district in regard to a system of sewers; shall examine and investigate, determine and select a scheme or plan for a system of sewers for such district suitable and adequate for present and future needs thereof; shall consider and determine a general system or plan for creating such system of sewers and the rates and assessments necessary therefor; to provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; to include provision for the drainage of public highways, streets and roads as part of such comprehensive scheme or plan; to provide for the construction of all appurtenances thereto, including laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants and other methods of disposal of sewage; to maintain, operate and repair same and do all other things necessary in connection therewith; to provide the method of distributing the cost and expense of the creation and operation thereof against such sewer district and against utility local improvement districts within such sewer district for any purpose authorized in this act; and including any such utility local improvement district lying wholly or partially within the limits of any other political sub-division included in such sewer district; and to determine the whole or such part of the cost and expenses to be paid from sewer revenue bonds as in this act provided. The Commissioners may employ such engineering and legal services as in their discretion is necessary in carrying out the objects and purposes of this act.

Consider
future
needs.

Distribution
of cost.

Employ
necessary
help.

Such general comprehensive scheme and plan, when finally determined upon by such Board of Sewer Commissioners, shall be by them adopted by resolution, and submitted to the County Engineer or other engineer designated by the County Commissioners of the county in which the sewer district is

Adoption
of final
plan.

Director of Health to approve.

located and to the Director of Health, and said comprehensive scheme or plan must be approved in writing by such Engineer and the Director of Health before being submitted at a general or special election as hereinafter provided.

Legislative authority to approve.

In the event the sewer district includes portions or all of one or more incorporated cities or towns, such comprehensive scheme or plan shall be submitted also to, and approved by resolution of, the legislative authority of such cities and towns before being submitted at a general or special election as hereinafter provided.

Amendment.

SEC. 3. That section 13, chapter 210, Laws of 1941 (section 9425-22, Rem. Supp. 1941), is amended to read as follows:

Submit to vote.

Section 13. After adoption by such Board of Sewer Commissioners and after approval by such Engineer, the Director of Health and by resolution of the legislative authority of the city or town, portions or all of which may be included in the sewer district, as provided above, it shall then be submitted at a general or special election, as specified in said resolution adopted as above mentioned, to the qualified voters within such district for their ratification or rejection. Notice of such election shall be given in accordance with the general election laws applicable to the county in which the sewer district is situated. If at such election a majority of the votes cast upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by the sewer commissioners.

Notice of election.

Majority vote ratifies.

Passed the Senate February 15, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 75.

[S. B. 218.]

HEALING ARTS—TEMPORARY LICENSES.

AN ACT relating to the practice of medicine and surgery, dentistry, optometry and nursing; providing for the temporary licensing of medical physicians and surgeons, dentists, optometrists and graduate nurses admitted and licensed to practice their respective professions in other states, territories, and the District of Columbia; declaring when this act shall become inoperative; and declaring an emergency.

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

SECTION 1. An emergency exists in this state because of the demands of the armed services for medical physicians and surgeons, dentists, optometrists and graduate nurses and there is a necessity for cooperation on the part of the state with such Federal agencies, as Procurement and Assignment Services for Physicians, Dentists and Veterinarians of the War Manpower Commission, which have been established and are functioning in cooperation with the several states, to the end that temporary relocation of medical physicians and surgeons, dentists, optometrists and graduate nurses may be effected to overcome acute shortages in specific localities from time to time. The Legislature, therefore, deems it necessary for the protection of the health and welfare of the people of the state to grant the Director of Licenses discretionary power to provide for the temporary licensing of medical physicians and surgeons, dentists, optometrists and graduate nurses admitted to practice such professions in other states, territories and the District of Columbia.

Emergency declared.

SEC. 2. The Director of Licenses may, in his discretion and until the end of the present war in which the United States is engaged, grant temporary certificates authorizing the practice of medicine and surgery, dentistry, optometry and nursing, without

Temporary certificates authorized.

examination, by medical physicians and surgeons, dentists, optometrists and graduate nurses who are duly licensed and qualified to practice their respective professions under the laws of any other state or territory of the United States, or of the District of Columbia, and who have applied for license to practice their respective professions in this state: *Provided*, That such temporary licenses shall be valid only between the dates of issuance and the completion of the next ensuing examinations required for such practitioners under existing laws.

Licensed
by any
state.

Valid until
next
examination.

May be
revoked.

SEC. 3. Such temporary certificates may be revoked for the same causes, in the same manner and by the same procedure at the time existing for the revocation of the licenses of practitioners in the said respective professions under the laws of this state.

Expiration
of act.

SEC. 4. This act shall remain in force for the duration of the existing war and for six (6) months after the termination thereof by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased or that the emergency in justification of extraordinary war-time powers no longer exists.

Effective im-
mediately.

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 February 19, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 76.

[H. B. 73.]

CHATTEL MORTGAGES.

AN ACT relating to chattel mortgages; making chattel mortgages void as to *bona fide* purchasers or encumbrances of real estate unless the real estate is described and the chattel mortgage recorded, and amending section 3, chapter XCVIII, Laws of 1899 (section 3782 of Remington's Revised Statutes).

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

SECTION 1. That section 3, chapter XCVIII, Laws of 1899 (section 3782 of Remington's Revised Statutes) be amended to read as follows: Amendment.

Section 3. Every mortgage filed and indexed in pursuance of this act shall be held and considered to be full and sufficient notice to all of the world, of the existence and conditions thereof, but shall cease to be notice, as against creditors of the mortgagors and subsequent purchasers and mortgagees in good faith after the expiration of the time such mortgage becomes due, unless before the expiration of two years after the time such mortgage becomes due, the mortgagee, his agent or attorney, shall make and file as aforesaid an affidavit setting forth the amount due upon the mortgage, which affidavit shall be annexed to the instrument to which it relates and the auditor shall indorse on said affidavit the time it was filed: *Provided, however,* That every chattel mortgage of any personal property attached to or to be attached to a building, or buried or to be buried under the surface of the ground, except machinery, apparatus or equipment to be used for manufacturing or industrial purposes or to be added to the plant or system of any public or private utility company, shall be void as to all subsequent *bona fide* purchasers or encumbrancers of such building or ground, and the land on which it is situated, unless such

Filing
sufficient
notice.

Cessation
of notice.

Affidavit.

Proviso.

chattel mortgage shall also contain a sufficient legal description of the real estate which said building or ground occupies, and be indexed and recorded in the record of mortgages in the auditor's office of the county wherein such real estate is situated.

Passed the House March 2, 1943.

Passed the Senate March 2, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 77.

[H. B. 166.]

SCHOOLS—TRANSPORTATION OF PUPILS.

AN ACT relating to education, providing for payment of transportation of pupils, closing of schools, dismissal of pupils from schools and for the allowance of apportionment credit therefor; amending section 3 and section 7 of chapter 28, Laws of 1933 (sections 4719 and 4882, Remington's Revised Statutes, Supplement, respectively; and declaring an emergency.

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

Amendments. SECTION 1. That section 3, chapter 28, Laws of 1933 (section 4719, Remington's Revised Statutes, Supplement), be and the same hereby is amended to read as follows:

Routes, how established.

Section 3. Transportation routes shall be established or approved by a commission to consist of a representative authorized by the local board of directors, a representative of the Superintendent of Public Instruction, and the County Superintendent of Schools under rules and regulations to be formulated by the Superintendent of Public Instruction. The commission shall cooperate with the local board of directors in establishing new routes of transportation, in approving those routes in operation and in determining costs of individual

routes in which matters the action of the local board is made subject to the approval of the commission. Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends. The commission in its discretion may require pupils residing within two miles of an established route to travel to the route at their own expense. Every district maintaining approved transportation routes shall be reimbursed by the state upon the basis of fifty per cent of the total cost of such transportation, provided such total cost may not exceed the approved total cost of transportation established by the transportation commission and shall include a reasonable allowance for the depreciation of district owned conveyances. The Superintendent of Public Instruction shall resolve this transportation allowance into days' attendance and add it to the regular attendance for both state revenue and apportionment purposes. A local district may be authorized by the County Superintendent of Schools to educate its pupils in another district for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Such authorization may be extended at the discretion of the County Superintendent.

Commission to approve board action.

State to reimburse in part.

In addition to regular attendance.

SEC. 2. That section 7, chapter 28, Laws of 1933 (section 4882, Remington's Revised Statutes, Supplement), be and the same hereby is amended to read as follows:

Amendments.

Section 7. When the school board of any district is obliged to close a school by order of any health

May allow for time loss.

Conditions.

officer on account of prevalence of infectious and/or contagious diseases, or when it is impossible to maintain a school on account of any circumstance over which the school board has no control, or when it is impossible for pupils to attend school on account of failure of transportation, heating or sanitation facilities or on account of wartime emergencies, or when a school board closes a school or excuses pupils from attendance at school to assist in the relief of labor shortage occasioned by war conditions, the State Superintendent of Public Instruction may allow such district its regular apportionment of funds for the time so lost, the amount to be determined on a basis of the actual time so lost: *Provided*, That the allowance of regular apportionment of funds for time so lost shall be made under rules and regulations established by the State Board of Education: *Provided, further*, That in no such case may any district draw money for a period of time longer than fifteen school days for any one pupil in any school year according to the provisions of this section.

State Board to make rules.

Time loss limited.

Effective immediately.

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 House February 16, 1943.

Passed the Senate March 3, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 78.

[H. B. 147.]

ADDITIONAL APPROPRIATION FOR COMMON SCHOOLS.

AN ACT declaring the legislative intent and making an additional appropriation for the public schools and providing for disbursements thereof.

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

SECTION 1. It is hereby declared to be the intent of the legislature to provide additional funds for the operation of the common schools of the state during the 1943-45 biennium because of the rising cost of living and the war emergency.

Declaration
of intent.

SEC. 2. In order to insure the maintenance of public education during the ensuing biennium, there is hereby appropriated from the state current school fund the sum of seven million six hundred thousand dollars (\$7,600,000) for the support of the common schools, in addition to any and all other funds made available to the school districts of the state, and said sum shall be apportioned to the several school districts in the same manner as other state current school funds are apportioned. At least eighty per cent (80%) of apportionments from this appropriation shall be used by the several school districts to increase the salaries and compensation of teachers and other employees.

Appropriation.

Passed the House February 26, 1943.

Passed the Senate March 4, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 79.

[H. B. 195.]

APPROPRIATION FOR STATE CAPITOL HISTORICAL ASSOCIATION.

AN ACT appropriating six thousand dollars (\$6,000) from the General Fund for the support of the State Capitol Historical Association, and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the general fund the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, for salaries, wages and operations of the State Capitol Historical Association for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945.

Effective immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Passed the House February 25, 1943.

Passed the Senate March 4, 1943.

Approved by the Governor March 9, 1943.

CHAPTER 80.

[S. H. B. 137.]

ADMISSIONS TAX.

AN ACT relating to cities and towns and authorizing them to impose and levy a tax to be paid by persons who pay admissions, or in certain cases who are admitted free or at reduced rates to any place; repealing title VI, chapter 180, Laws of 1935, as amended, which imposes a state admission tax; and declaring that this act shall take effect immediately.

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

SECTION 1. Any city or town through its legislative authority is hereby authorized to levy and fix the amount of a tax to be paid by the person who pays an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; to require that one who receives payments for any admission charge to any place shall collect and remit the tax to the city or town; and to make the tax effective any time after April 30, 1943. The term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation or amusement is provided; a charge made for rental or use of equipment or facilities for purposes of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. The term

Towns may levy tax on admissions.

"Admission charge" defined.

shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in an automobile.

Repeals.

SEC. 2. That effective May 1, 1943, title VI, chapter 180, Laws of 1935, as amended, is hereby repealed: *Provided*, That such repeal shall not affect the liability or responsibility for payment to the State Tax Commission of any tax collected under said act, and such collections shall be paid to the State Tax Commission, collection payments due the State Tax Commission enforced, and failure to make such payments shall be subject to penalties, as provided in said law and as if the same had not been repealed.

Proviso.

Effective immediately.

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

Passed the House February 18, 1943.

Passed the Senate March 4, 1943.

Approved by the Governor March 10, 1943.

CHAPTER 81.

[H. B. 72.]

APPROPRIATION FOR RELIEF OF CITIES AND TOWNS.

AN ACT making an appropriation of two million dollars (\$2,000,000) for the relief of cities and towns; prescribing a method for determining the beneficiaries of the appropriation and method and purpose of disbursement; and declaring that this act shall take effect immediately.

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

SECTION 1. There is hereby appropriated out of the General Fund of the State Treasury the sum of two million dollars (\$2,000,000) for relief of the incorporated and chartered cities and towns of the state, said monies to be paid as hereinafter specified:

Appropriation for relief of cities and towns.

(a) One million dollars (\$1,000,000) of said sum shall be paid to the chartered and incorporated cities and towns of the state on the basis of the 1940 Federal census in the proportion that the population of each city and town bears to the population of all chartered and incorporated cities and towns; and of said sum five hundred thousand dollars (\$500,000) shall be paid to such cities and towns on or before April 1, 1943, and five hundred thousand dollars (\$500,000) on or before January 1, 1944.

Apportionment of funds.

(b) One million dollars (\$1,000,000) of said sum, less expenses provided for in section 2 hereof, shall be paid to chartered and incorporated cities and towns of the state in which there has been an increase in population of three per cent (3%), or more, over the population of the official Federal census of 1940. The distribution of and payment of said one million dollars (\$1,000,000) to those cities and towns having such three per cent (3%) increase in population shall be in the direct proportion that the increase in population of each thereof bears to the total increase of population of all such cities and

towns. Payments under this subsection shall be made in four semi-annual installments, beginning April 1, 1943.

Census board to determine increase.

Membership of board.

Chairman.

Members to receive per diem.

Board may employ help.

May deduct cost.

SEC. 2. The question of whether any city or town has had an increase in population sufficient to entitle it to participate in the funds allocated by subsection (b) of section 1 hereof shall be determined by a fact finding board, to be designated as the census board, to consist of three (3) members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof, one a member of the faculty of the Washington State College, appointed by the president thereof, and one a member, or the executive secretary, of the Washington State Planning Council to be appointed by said council. In case of vacancy, a successor shall be appointed by the same authority and from the same group as is herein provided for the original appointment. The census board shall elect one of its members as chairman, who shall preside over meetings of the board, and when authorized by the board shall approve vouchers for warrants to cover expenditures of the board under this act. The members of the board shall receive no salary, but shall receive a per diem of ten dollars (\$10) per day, (which shall be additional to any other salary paid said members) for each day spent in the performance of the duties imposed by this act, plus actual and necessary traveling expenses. The board is empowered to employ any clerical assistance necessary. The per diem and expenses of the board herein authorized shall from time to time be paid out of the funds appropriated by subsection (b) of section 1 hereof upon vouchers and warrants in the usual manner: *Provided*, That as such expenses are paid the amount thereof shall be deducted from the next payment due cities and towns hereunder.

SEC. 3. On or before the 15th day of March, 1943, the census board shall determine the cities and towns qualified to participate in the appropriation made by subdivision (b) of section 1 and shall also fix in numbers the amount of the increase in population over the 1940 Federal census of each of such cities or towns as of the first day of March, 1943, and shall, on or before March 15, 1943, certify to the State Auditor the names of the cities and towns and numbers of population increase for each according to its determination. The census board shall make a like determination and certificate for the State Auditor on or before the 15th day of each succeeding six months period. In fixing the number of the increased population as herein provided, the census board may consider statistics of any rationing program of the Federal Government, the state sales tax collections, or any other factors which will reflect increased or decreased population. The State Tax Commission and any other state official or department shall upon request of the board furnish such information or aid and assistance as may be required by the board in performance of its duties. The action of the board shall be final and conclusive.

Date of determination.

Certify to State Auditor.

Manner of determination.

Action final.

SEC. 4. Any incorporated city or town not included in the 1940 Federal census shall be entitled to participate in the benefits of the appropriations made and payments directed by this act on the basis of the official population established in the incorporation proceedings; and such population figure shall be used by state officials for determining amounts payable under subdivision (a), section 1, and by the census board in determining whether any such city or town has had an increase in population, and the extent thereof, to entitle it to participate in the appropriations and payments under subdivision (b), section 1.

New Incorporations included.

SEC. 5. The State Auditor, upon the filing with him of the certificate of the board as herein pro-

Auditor to issue warrants.

vided, shall make the computation as to the amounts payable to the respective cities and towns under subsection (b), section 1, and shall prepare, and the State Treasurer shall honor all warrants necessary to effectuate the disbursements herein authorized.

Treasurer shall honor.

"State Aid Fund" created.

Cities to expend.

Budget waiver.

SEC. 6. All monies paid to any city or town under the provisions of this act shall be placed in a city fund to be designated as the "State Aid Fund." The monies in said fund shall be expended through the usual fiscal officers as directed by the legislative authority of the city or town, as agents of the state, but shall only be expended for salaries and wages, supplies, material and equipment for police and fire protection, health and sanitation, libraries, parks, and civilian defense, all of which are hereby recognized as, and declared to be state purposes. During the calendar year 1943 expenditures of monies herein provided may be made without regard to budget laws, but expenditures during 1944 and 1945 shall be provided for and made in accordance with the budget laws.

Delayed payments authorized.

SEC. 7. If for any reason it is legally impossible to make any payments herein required within the time specified, the delayed payments shall be made as soon as practicable after removal of reason for failure to make payment.

Validity preserved.

SEC. 8. If any section, clause or part of this act, or the purposes of any particular appropriation, is adjudged invalid, such invalidity shall not affect any other part or purpose of appropriation not adjudged invalid.

Effective immediately.

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 House February 18, 1943.

Passed the Senate March 4, 1943.

Approved by the Governor March 10, 1943.

CHAPTER 82.

[S. B. 152.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways and streets; prescribing the powers and duties of certain officers with respect thereto; providing for the expenditure of state funds on county roads and city streets; defining offenses and prescribing penalties; amending sections 2, 6, 26, 34, 53, 54, 56, 58, 61, 63, 64, and 66, chapter 187, Laws of 1937 (sections 6450-2, 6, 26, 34, 53, 54, 56, 58, 61, 63, 64, and 66, Remington's Revised Statutes, Volume 7A), and amending section 60, chapter 187, Laws of 1937, as amended by section 8, chapter 181, Laws of 1939 (section 6450-60, Remington's Revised Statutes, Supplement, Volume 7A), and repealing sections 35, 55, 57, and 62, chapter 187, Laws of 1937 (sections 6450-35, 55, 57, and 62, Remington's Revised Statutes, Volume 7A), and declaring that this act shall be effective on and after April 1, 1943.

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

SECTION 1. Section 2, chapter 187, Laws of 1937 (section 6450-2, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

Section 2. All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved and maintained by the Board of County Commissioners of the respective counties as agents of the State of Washington. County commissioners agents of State.

SEC. 2. Section 6, chapter 187, Laws of 1937 (section 6450-6, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

Section 6. There is hereby created in each county of the state a county fund to be known as the "county road fund." From and after the taking effect of this act, the secondary highway fund, general road and bridge fund, road district funds and any and all other funds existing in any county, in which funds for use upon roads herein classified as county roads are deposited, are hereby abolished. Any funds in the County road fund created.
Present funds abolished.

secondary highway fund, general road and bridge fund, road district fund or any other fund in which funds are deposited in any county for use upon roads herein classified as county roads, shall be and the same are hereby transferred to and deposited in the county road fund of such county. Any funds which may hereafter accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon roads herein classified as county roads, shall be credited to and deposited in the county road fund of such county. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected: *Provided*, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county. It shall be the duty of the County Auditor of each county to set up within the county road fund of such county, a separate fund for each road district and to keep a separate and detailed accounting of all funds arising from any levy for proper county road purposes in each such road district and all expenditures made therefrom.

Funds transferred.

Loan of equipment.

Road district funds.

Amendments.

SEC. 3. Section 26, chapter 187, Laws of 1937 (section 6450-26, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Grant of power.

Section 26. The power is granted the Board of County Commissioners of any county in the State of Washington to erect and construct or to acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure for the continuation or connection of any county road where such stream, body of water, gulch.

navigable water, swamp, or other topographical formation constitutes a boundary between the county and any city or town, other county, property of the State of Washington, or any other state or county, city or town of any other state. The power is further granted the Board of County Commissioners of such county to join with such city or town, other county, the State of Washington, or such other state, county, city or town of such other state, as the case may be, in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or any other structure for the continuation or connection of any such county road across any such stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure and forming such boundary, and the purchase or condemnation of right of way therefor.

Joint
purpose
grant.

Power is further granted the Board of County Commissioners of any county to construct, maintain and operate any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and to acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and to enter into joint contracts with authorities of adjoining counties for the construction, operation and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided in section 27 hereof for bridges, or it may be exercised by a single county in the manner authorized by law.

Boundary
roads.

SEC. 4. Section 34, chapter 187, Laws of 1937 (section 6450-34, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

May employ
day labor.

Limitation.

Proviso.

Work by
contract.

Publish
estimate
of cost.

Publish
statement
of cost.

Penalty for
failure.

Amendment.

Section 34. The Board of County Commissioners may, in its discretion, cause any county road to be constructed or improved by day labor in an amount not to exceed ten thousand dollars (\$10,000) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of ten thousand dollars (\$10,000) shall be performed by contract as in this act provided. In the event that the Board of County Commissioners should determine that any construction should be performed by day labor, as provided in this section, and the estimated cost of such work exceeds twenty-five hundred dollars (\$2500), it shall cause to be published in one issue of a paper of general circulation in the county a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the Board of County Commissioners shall cause to be published in one issue of a paper of general circulation in the county a similar brief description of such work together with an accurate statement of the true and complete cost of the performing of such construction by day labor.

Failure to make publication as herein required shall subject each County Commissioner to a fine of one hundred dollars (\$100) for which they shall be liable individually and upon the official bond of each and it shall be the duty of the Prosecuting Attorney to file information and prosecute for violation of the provisions of this section.

SEC. 5. Section 53, chapter 187, Laws of 1937 (section 6450-53, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Section 53. Any monies paid to any county from the motor vehicle fund may be used by such county for the construction, alteration, repair, improvement or maintenance of the county roads of such county and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic and therefore essential to the county road system, and for ferries, and for the acquiring, operating and maintaining of machinery, equipment, quarries, or pits for the extraction of materials and for the cost of establishing county roads, acquiring rights of way therefor in the manner provided by law and expenses for the operation of the county engineering office and for any other proper road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town or tax district within the county. For the purpose of this act, the payment of interest or principal on general obligation county road bonds, or independent highway district bonds or retirement or registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are hereby declared to be a proper county road purpose.

Revenue from motor vehicle fund.

Application to road bonds.

SEC. 6. Section 54, chapter 187, Laws of 1937 (section 6450-54, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

Section 54. All funds accruing to the credit of any county in the motor vehicle fund shall be paid monthly to the treasurer of such county as such funds accrue and all funds so paid shall be deposited in and expended from the county road fund of such county and no other fund. The Board of County Commissioners are empowered to expend funds from the county road fund or register warrants against the county road fund in anticipation of funds to be paid to such county from the motor vehicle fund.

Distribute monthly.

May anticipate funds.

Amendments.

SEC. 7. That section 56, chapter 187, Laws of 1937 (section 6450-56, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Estimate of revenue.

Section 56. On or before the eighth day of July of each year the Director of Highways shall prepare and file with the Board of County Commissioners of each county an estimate of the amount of money which will be paid to such county for the forthcoming calendar year in order that each Board of County Commissioners may prepare the necessary county road budget. In the preparation and adoption of the county road budget of each county the Board of County Commissioners shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance; (4) construction and (5) purchase of road equipment; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Board to budget fund.**Budget copy to Director of Highways.**

Upon the final adoption of the county road budgets of the several counties as provided by law, the Boards of County Commissioners shall file a copy thereof in the office of the Director of Highways.

In the event that any funds should be paid to any county from the motor vehicle fund in excess of the amount estimated by the Director of Highways and such excess funds have not been included by the Board of County Commissioners in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of such county road budget, then the Board of County Commissioners may on the unanimous consent of such board consider and adopt a preliminary supple-

Supplemental budget.

mental budget covering such excess funds for the remainder of the current fiscal year. The Board of County Commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The Board of County Commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The Board of County Commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the Board of County Commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the Director of Highways and one to the Division of Municipal Corporations.

Publish
notice of
hearing.

Copies of
budget for
public.

Adoption by
resolution.

SEC. 8. That section 58, chapter 187, Laws of 1937 (section 6450-58, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

Section 58. The Board of County Commissioners of each county shall on or before February 1 of each year, beginning February 1, 1944, submit such

Reports to
Director of
Highways.

records and reports to the Director of Highways, on forms furnished by the highway department, as are necessary to enable the Director of Highways to compile an annual report on county highway operations.

Amendments. SEC. 9. That section 60, chapter 187, Laws of 1937 as amended by section 8, chapter 181, Laws of 1939 (section 6450-60, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows:

Distribution
to cities and
owns.

Disburse-
ment by local
legislative
authority.

Section 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "City Street Fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the State, for salaries and wages, material, supplies, equipment, purchase or condemnation of rights of way, engineering or any other proper highway purpose in connection with the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the Director of Highways as forming a part of the route of a primary or secondary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary or secondary state highway system, and for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, and engineering, or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any other city street or bridge, or viaduct or under passage along, upon or across such streets. Such expenditure may

be made either independently or in conjunction with any federal, state or any county funds.

The Director of Highways shall have power to construct, maintain and repair the roadway of all streets designated by the Director of Highways as forming a part of a primary or secondary state highway through any city or town having a population of fifteen hundred (1500) or less, according to the last preceding Federal Census, such construction, maintenance and repair to be done at the expense of the state, and without prejudice to the right of city or town to be paid allocations made to it in the motor vehicle fund. Whenever the surface of any street or highway is damaged or displaced by the city or town or by others under its authority for installation or repair of utilities or for any other purpose, the city or town shall repair or replace the surface as nearly as practicable to its original condition, or cause it to be done by others.

Maintain
highway
streets.

Without
prejudice.

The Director of Highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the Director of Highways as forming a part of the route of primary or secondary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary and secondary state highways and in the manner and to the extent provided in this section. The Director of Highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such

Movable
span bridges.

Determine
cost of
upkeep.

Certify to Auditor.

City as agent for State.

County may act instead.

movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the Director of Highways shall be conclusive. Upon determination by the Director of Highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the Director of Highways shall so certify to the State Auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The Director of Highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary or secondary state highways upon vouchers therefor approved by the Director of Highways but in no event in excess of the amount determined by the Director of Highways for any one year: *Provided*, That in the event any such movable span bridge located within the limits of incorporated cities and towns has heretofore and in the past been maintained by the county in which such incorporated city or town is located, then such county shall continue such maintenance and the provisions of this section shall apply to such county, and the Director of Highways may require that the governing authorities of such counties maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary or secondary state highways upon vouchers therefor

approved by the Director of Highways, but in no event in excess of the amount determined by the Director of Highways for any one year.

SEC. 10. Section 61, chapter 187, Laws of 1937 (section 6450-61, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows: Amendments.

Section 61. The Director of Highways shall determine what city streets, if any, in any such incorporated cities and towns shall form a part of the route of any primary or secondary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the State Auditor and one copy to the clerk of each incorporated city and town, which streets, if any, in such city or town are designated as forming a part of the route of a primary or secondary state highway through such city or town. Director to determine.
Certification.

SEC. 11. Section 63, chapter 187, Laws of 1937 (section 6450-63, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows: Amendments.

Section 63. Monies in the City Street Fund may be expended as authorized in section 60 hereof, on other city streets than those designated as forming a part of the route of the primary or secondary state highways so long as the streets so designated are maintained as nearly as possible equal to the standard of original construction: *Provided*, That subject to the satisfactory construction and maintenance of those city streets designated as forming a part of the route of a primary or secondary state highway through such incorporated city or town, such routes shall be adequately marked and signed with traffic devices satisfactory to the Director of Highways and in case any incorporated city or town should fail Diversions allowed under certain conditions.
Streets to be marked.

to do so the Director of Highways may erect such traffic devices and the State Auditor shall pay the cost thereof from the funds credited to such incorporated city or town.

Failure to maintain.

Whenever the repair or maintenance of any city street designated as forming a part of the route of a primary or secondary state highway through an incorporated city or town is delayed or otherwise not satisfactorily accomplished in any manner or in a length of time satisfactory to the Director of Highways, he shall notify the proper authorities of such incorporated city or town to make the necessary repairs or provide the necessary maintenance within a specified time not to exceed thirty (30) days. In the event of noncompliance with this notice, the Director of Highways may make such repairs or provide for such maintenance to the extent of and not to exceed the amount of money credited to such incorporated city or town or reasonably anticipated to accrue to the credit of such incorporated city or town in the motor vehicle fund, and the State Auditor shall pay therefor on vouchers approved and submitted by the Director of Highways in the same manner as payment is made for work performed on primary state highways.

City may ask State to perform.

In the event that any incorporated city or town, whether or not its city streets or any thereof are designated as forming a part of the route of a primary state highway through such incorporated city or town, is unable to construct, repair or maintain its city streets by reason of lack of equipment or for other good cause, or if any such city or town is in need of engineering assistance to construct, repair or maintain any of its city streets, such incorporated city or town may authorize the Director of Highways to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the Director of Highways, to the ex-

tent of, but not to exceed, the funds credited or to be credited in the motor vehicle fund for payment to such incorporated city or town; and any sums due from any city or town for such construction, repair or maintenance or engineering assistance shall be paid on vouchers approved and submitted by the Director of Highways from monies credited to the city or town in the motor vehicle fund, and the amount of such payments shall be deducted from funds which would otherwise be paid to such city or town from the motor vehicle fund. Any such incorporated city or town may, by resolution, authorize the Board of County Commissioners of the county in which such incorporated city or town is located, to perform any such construction, repair or maintenance and the same shall be paid for by such incorporated city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by any county shall be deposited in the county road fund of such county to be expended therefrom under the same provisions as are by law imposed upon the funds used to perform such construction, repair or maintenance.

Not to exceed fund available.

County may perform on request.

SEC. 12. Section 64, chapter 187, Laws of 1937 (section 6450-64, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments

Section 64. The governing authorities of each incorporated city and town shall on or before February 1st of each year, beginning February 1, 1944, submit such records and reports to the Director of Highways, on forms furnished by the highway department, as are necessary to enable the Director of Highways to compile an annual report on street operations within such cities and towns.

City to make reports.

SEC. 13. Section 66, chapter 187, Laws of 1937 (section 6450-66, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

Penalty for violation.

Section 66. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or gross misdemeanor; and it shall be unlawful and a misdemeanor, unless the same is by this act or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any monies in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by this act.

Director to investigate.

The Director of Highways is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if he determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund he is authorized to proceed as follows: If the county road fund is involved he shall notify in writing the Board of County Commissioners and the County Treasurer of his determination; and if the city street fund is involved he shall notify the City Council or Commission and the Mayor and City Treasurer of the city or town of his determination.

Notify in writing.

May direct restitution.

In his determination the Director of Highways is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and he may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to his satisfaction within a specified period fixed by him, he will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten (10) days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the Director of Highways.

Time limit to correct.

If no correction, remedy, adjustment or restitution is made within said ten (10) days to the satisfaction of the Director of Highways the Director shall have power to request in writing that the State Auditor and the State Treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the State Auditor and the State Treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the Director that payments may be resumed.

Withhold funds for failure.

The Director of Highways is also authorized to notify in writing the Prosecuting Attorney of the county in which such violation occurs of the facts, and it shall be the duty of the Prosecuting Attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

Prosecutor to file criminal charges.

SEC. 14. Sections 35, 55, 57 and 62, chapter 187, Laws of 1937 (sections 6450-35, 6450-55, 6450-57, and 6450-62, Remington's Revised Statutes, Volume 7A), are hereby repealed.

Repealing.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall be effective on and after April 1, 1943.

Effective April 1, 1943.

Passed the Senate February 8, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 10, 1943.

CHAPTER 83.

[S. B. 153.]

MOTOR VEHICLE FUND.

AN ACT relating to the Motor Vehicle Fund; providing for payments and allocations therefrom; and amending sections 3 and 5 of chapter 181, Laws of 1939 (sections 6600-1e and 6600-2a, Remington's Revised Statutes, Supplement, Volume 7A), and section 4, chapter 181, Laws of 1939 as amended by section 1, chapter 232, Laws of 1941 (section 6600-3a, Remington's Revised Statutes, Supplement, Volume 7A and 6600-3a, Rem. Supp. 1941); and declaring that this act shall take effect April 1, 1943.

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

Amendments.

SECTION 1. That section 3, chapter 181, Laws of 1939 (6600-1e, Remington's Revised Statutes, Supplement, Volume 7A) is amended to read as follows:

Distribution of fund.

Section 3. From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(a) To the incorporated cities and towns of the State of Washington sums equal to fifteen per cent (15%) of such net tax amount paid monthly as the same accrues;

(b) To the counties of the State of Washington sums equal to forty-one and one-half per cent (41½%) of such net tax amount paid monthly as the same accrues.

Amendments.

SEC. 2. That section 4, chapter 181, Laws of 1939, as amended by section 1, chapter 232, Laws of 1941 (section 6600-3a, Remington's Revised Statutes, Supplement, and 6600-3a, Rem. Supp. 1941) is amended to read as follows:

Cities and towns.

Section 4. Funds credited to the incorporated cities and towns of the State of Washington as set forth in sub-section (a) of section 3 above shall be subject to deduction and distribution as follows:

Deduction for supervision.

(a) The sum of seven hundred and fifty dollars (\$750) per month to be deducted monthly as such sums are credited and set aside for the use of the

Director of Highways for the supervision of the work and expenditures of such incorporated cities and towns on the city and town streets thereof;

(b) The balance remaining to the credit of incorporated cities and towns after such deduction shall be credited in the motor vehicle fund to each of the several incorporated cities and towns in the direct proportion that the population of each thereof shall bear to the population of all incorporated cities and towns in the state, such credit to be made monthly as such funds accrue. The population basis upon which such credit shall be made shall be as determined by the next preceding official United States census for all incorporated cities and towns having corporate existence on that date: *Provided*, In case of cities and towns incorporated subsequent to the taking of such census, population shall be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials thereof. Any incorporated city or town which may disincorporate shall upon the date thereof cease to receive the credit of any funds as herein provided, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns.

Credit monthly on population basis.

Later incorporation.

SEC. 3. That section 5, chapter 181, Laws of 1939 (section 6600-2a, Remington's Revised Statutes, Supplement, Volume 7A) is amended to read as follows:

Amendments.

Section 5. Funds to be paid to the counties of the State of Washington as set forth in sub-section (b) of section 3 above shall be subject to deduction and distribution as follows:

Counties.

(a) The sum of twenty-one hundred dollars (\$2100) per month to be deducted monthly as such sums accrue and set aside for the use of the Director of Highways for the supervision of work and expenditures of such counties on the county roads thereof;

Deduction for supervision.

Island
counties.

(b) Payment of all sums required to be repaid to counties composed entirely of islands in the manner provided by law;

Percentages
set forth.

(c) The balance remaining to be paid to counties after such deductions shall be paid to the several counties in the following percentages, such payment to be made monthly as such funds accrue:

Adams 1.90, Asotin .91, Benton 1.84, Chelan 2.32, Clallam 2.24, Clark 3.11, Columbia 1.30, Cowlitz 2.38, Douglas 1.34, Ferry .95, Franklin 1.24, Garfield 1.29, Grant 1.29, Grays Harbor 2.95, Island .77, Jefferson 1.26, King 14.53, Kitsap 2.26, Kittitas 2.04, Klickitat 2.34, Lewis 3.12, Lincoln 2.35, Mason 1.64, Okanogan 1.55, Pacific 1.94, Pend Oreille 1.38, Pierce 6.11, San Juan .68, Skagit 3.47, Skamania 1.29, Snohomish 4.91, Spokane 3.84, Stevens 1.84, Thurston 2.16, Wahkiakum .89, Walla Walla 2.29, Whatcom 3.56, Whitman 3.37, Yakima 5.35.

Each County Treasurer shall forthwith upon receipt of such money from the motor vehicle fund place same to the credit of the county road fund.

Transfer of
funds on
hand.

SEC. 4. Any money now on hand in the motor vehicle fund and credited to any county, city or town or any money which shall hereafter accrue in such fund prior to March 31, 1943, and be credited to any county, city or town, shall be immediately paid over to the several counties, cities and towns in the manner and amount specified in this act, to be placed by such counties, cities and towns in respective county road fund and city or town street fund.

Effective
April 1, 1943.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall be effective on and after April 1, 1943.

Passed the Senate February 8, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 10, 1943.

CHAPTER 84.

[S. B. 05.]

EXCISE TAX ON GASOLINE.

AN ACT relating to the excise tax on gasoline and other inflammable liquids, amending sections 7, 8, 15, 17 and 18, chapter 58, Laws of 1933, as amended (secs. 8327-7, 8327-8, 8327-15, 8327-17 and 8327-18, Rem. Rev. Stat.) and declaring an emergency.

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

SECTION 1. That section 7, chapter 58, Laws of 1933 (sec. 8327-7, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 7. Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms prescribed, prepared and furnished by the Director of Licenses, a sworn statement showing the total number of gallons of motor vehicle fuel sold, distributed or used by such distributor within this state during the preceding calendar month. If any distributor shall fail, neglect or refuse to file such report, the Director of Licenses shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed or used by such distributor for the period unreported, and said determination shall be conclusive upon the distributor for that period. The Director of Licenses shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten per cent for failure to report. Said penalty shall be cumulative of other penalties herein provided. All statements filed with the Director, as required in this section, shall be public records. Time for filing reports.
Director to act in failure.
Penalty added.

SEC. 2. That section 8, chapter 58, Laws of 1933 (sec. 8327-8, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 8. The amount of excise tax for each month shall be paid to the treasurer of the State of Remit tax to treasurer.

Penalty for delinquency.

Washington on or before the twenty-fifth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and a penalty of ten per cent shall be added thereto for delinquency.

Certificate *prima facie* evidence.

In any suit brought to enforce the rights of the state hereunder, the certificate of the Director of Licenses showing the amount of taxes, penalties and costs unpaid by any distributor and that the same are due and unpaid to the state shall be *prima facie* evidence of the facts as shown.

Unlicensed operation subject to penalty.

If any person shall become a distributor without first securing the license required by section 3 of this act, the excise tax provided in section 5 hereof shall be immediately due and payable on account of all motor vehicle fuel distributed or used by such person. The Director of Licenses shall proceed forthwith to determine from the best available sources, the amount of such tax, and he shall immediately assess the tax in the amount found due, together with a penalty of 100% of the tax, and shall make his certificate of such assessment and penalty. In any suit or proceedings to collect such tax or penalty, or both, such certificates shall be *prima facie* evidence that the person therein named is indebted to the State of Washington in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this act with reference to delinquency in payment of the tax or by an action at law, which the Attorney General shall commence and prosecute to final determination at the request of the Director of Licenses. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken pursuant to this section shall relieve in any wise any person from the penal provisions of this act.

Action at law.

SEC. 3. That section 15, chapter 58, Laws of 1933 (sec. 8327-15, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 15. Every railroad company, every street, suburban or interurban railroad company, every pipe line company, every water transportation company, and every carrier, except a duly licensed distributor, transporting motor vehicle fuel, kerosene, naphtha or benzine in bulk, between points within the State of Washington, and every person transporting motor vehicle fuel, kerosene, naphtha or benzine in bulk, by whatever manner to a point in the State of Washington from any point outside of said state, or from any point within this state to a point outside the state, shall report under oath to the Director on forms prescribed by the Director, all deliveries of motor vehicle fuel, kerosene, naphtha or benzine in bulk so made to points within or without the State of Washington. Carriers to report.

Such reports shall cover monthly periods, shall be submitted on forms supplied by the Director and within twenty-five (25) days after the close of the month covered by the report. They shall show the name and address of the person to whom the deliveries of motor vehicle fuel, kerosene, naphtha or benzine in bulk have actually and in fact been made; the name and address of the originally named consignee, if the motor vehicle fuel, kerosene, naphtha or benzine in bulk shall have been delivered to any other than the original consignee; the point of origin, the point of delivery, the date of delivery, and the name and initials of each tank car and the number of gallons contained therein, if shipped by rail; the name of the boat, barge or vessel, and the number of gallons contained therein, if shipped by water; the vehicle license number and the motor vehicle fuel transport license number of each tank truck and the number of gallons contained therein, if transported Reports monthly.
Facts to be reported.

by motor truck; if delivered by other means, the manner in which each delivery is made; and such other additional information relative to shipment of motor vehicle fuel as the Director may require.

Books
subject to
inspection.

The Director of Licenses or his authorized agents shall have the right at any time during normal business hours to inspect the books of any carrier to determine if the requirements of this section are being properly complied with.

Amendments.

SEC. 4. That section 17, chapter 58, Laws of 1933, as amended by section 4, chapter 177, Laws of 1939 (sec. 8327-17, Rem. Rev. Stat.) be amended to read as follows:

Importer
to report.

Section 17. Every person who imports motor vehicle fuel into this state for his own use in equipment other than motor vehicles shall not, for that reason alone, be required to secure a distributor's license or to comply with any of the provisions of this act herein imposed upon a distributor or with the provisions of section 5 (a) of this act; but such person shall make a report verified under oath and file the same with the Director on or before the tenth (10th) day of the succeeding month, showing the number of gallons of motor vehicle fuel so imported and the number of gallons of such motor vehicle fuel used during the preceding month, the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the place of storage, and the manner of use or intended use together with a description of the equipment in which the same is used. These reports shall be filed upon blanks prepared and furnished by the Director: *Provided, however,* That any person coming into this state in an aircraft or motor boat shall not be required to make such a report in respect to any motor vehicle fuel carried in the fuel tanks of such vehicle for the purpose of propelling such vehicle, and every person

Propulsion
fuel
excepted.

coming into this state in a motor vehicle may transport in the fuel tanks of such vehicle for the propulsion thereof not more than twenty (20) gallons of motor vehicle fuel or other inflammable petroleum products without paying the tax, securing the license or making any report herein provided, but if the motor vehicle fuel so brought into the state be removed from the fuel tanks of said vehicles or used for any purpose other than the propulsion of said vehicles, the person so importing motor vehicle fuel shall be subject to all the provisions of this act applying to distributors. The Director of Licenses shall have the right, in order to establish the validity of any exemption, to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the exemption herein granted.

Limited to use in vehicle.

The provisions of this act requiring the payment of taxes shall not be held or construed to apply to motor vehicle fuel, or other inflammable petroleum products imported into the State of Washington in inter-state or foreign commerce and intended to be sold while the same are in inter-state or foreign commerce, nor to any motor vehicle fuel, or other inflammable petroleum products, exported from this state, nor to any motor vehicle fuel, or other inflammable petroleum products, sold to the government of the United States or any department thereof for official use of such government, nor to aviation gasoline for use exclusively in airplanes, delivered in bulk (excluding barrel and package deliveries), to such aviation gasoline dealers and/or users as authorized and under regulations prescribed by the Director of Licenses, but every distributor shall report such imports, exports and sales to the Director of Licenses at such times, on such forms, and in such detail as said Director may require.

Interstate or foreign commerce excepted.

Other exceptions.

Export
certificate.

In support of any exemption from taxes claimed under this section on account of the exportation of motor vehicle fuel, every distributor must execute an export certificate in such form as shall be prescribed, prepared and furnished by the Director of Licenses, containing a sworn statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the State of Washington, and giving such details with reference to such shipment as said Director may require. All export certificates must be completed and filed with the Director of Licenses sixty (60) days after the end of the calendar month in which the shipments to which they relate were made. The Director of Licenses may demand of any distributor such additional data as are deemed necessary by said Director in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate.

Time limit
for filing.

Exemption
claim.

Any claim for exemption based on a sale to the government of the United States or any department thereof may be made by the distributor at any time within six (6) months after the date of sale, but no claim made after the expiration of said period of six (6) months will be recognized for any purpose by the state or any agency thereof.

Time limit.

State not
exempt.

Nothing herein contained shall be construed to exempt from the payment of the tax any motor vehicle fuel sold and delivered to or used by the State of Washington or any political subdivision thereof, or any inflammable petroleum products other than motor vehicle fuel, used by the State of Washington, or any political subdivision thereof, on the propulsion of motor vehicles as herein defined.

U. S. Gov't
fuel not
taxable.

Motor vehicle fuel or other inflammable petroleum products used by the United States or any of the governmental agencies thereof shall not be sub-

ject to tax hereunder. But any person, firm, association or corporation who shall purchase or otherwise acquire motor vehicle fuel as herein defined upon which the state tax has not been paid, from the United States government, or any of its agents or officers, for use not specifically associated with any governmental function or operation or shall so acquire inflammable petroleum products other than motor vehicle fuel and use the same in the propulsion of motor vehicles as herein defined, for a use not associated with any governmental function or operation, shall pay to the State of Washington the tax herein provided upon the motor vehicle fuel, or other inflammable petroleum products so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent, or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any such motor vehicle fuel or other inflammable petroleum products upon which the state tax has not been paid.

Non-governmental use makes taxable.

Conspiracy unlawful.

SEC. 5. That section 18, chapter 58, Laws of 1933, as amended by section 2, chapter 109, Laws of 1935 and section 2, chapter 219, Laws of 1937 (sec. 8327-18, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 18. Any person desiring to claim a refund shall obtain an annual permit from the Director of Licenses by application therefor on such form as he shall prescribe, which application shall contain, among other things, the name, address and occupation of the applicant and the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under such permit. The permit shall bear a permit number and all applications for refund shall bear

Provision for refund.

Record of permits.	<p>the number of the permit under which it is claimed. It is the duty of the Director of Licenses to keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. At the time of filing an application for annual refund permit, the applicant shall pay to the Director of Licenses an annual permit fee of fifty (50) cents, which shall be deposited in the motor vehicle fund. All permits shall expire on the thirty-first day of March following the date of their issue.</p>
Permit fee.	
Who entitled to refund.	<p>Any person who shall use any motor vehicle fuel as herein defined for the purpose of operating any internal combustion engine not used on nor in conjunction with any motor vehicle capable of being operated upon a public highway, and as the motor power thereof, upon which motor vehicle fuel excise tax provided for in this chapter has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so provided for in this chapter paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel: <i>Provided</i>, That no refund shall be made in any case for motor vehicle fuel consumed in any motor vehicle as herein defined. Every person who shall purchase and use any motor vehicle fuel as herein defined as an ingredient for manufacturing or for cleaning or dyeing or for some other similar purpose and upon which the motor vehicle fuel excise tax provided for in this chapter has been paid shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so paid on each gallon of motor vehicle fuel</p>
Proviso.	
Cleaners and dyers.	

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

Exporters.

Proviso.

Invoice to accompany claim.

Export certificate.

May require additional information.

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

Payment by warrant.

Upon the approval of the Director of Licenses of such claim for refund, the State Auditor shall draw his warrant upon the State Treasurer for the amount of such claim in favor of the person making such claim and such warrant shall be paid from the excise tax collected on motor vehicle fuel: *Provided*, That application for any refunds of excise tax paid as in this section provided shall be filed in the office of the Director of Licenses not later than 5:00 o'clock in the afternoon of the last day of a period six (6) calendar months from the date of purchase of such motor vehicle fuel, and if not filed within this period then the right to such refund shall be forever barred.

Time limit for filing claims.

Penalty for false statement.

Any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any affidavit required herein for the refund of any excise tax, as provided in this section, or who shall collect or cause to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this section shall be guilty of a gross misdemeanor.

May require additional proof.

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

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

Right to suspend.

When motor vehicle fuel is sold to a person who shall claim to be entitled to a refund of the tax hereunder imposed, the seller of such motor vehicle fuel shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the Director of Licenses showing the name and address of the seller and the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold written in words and figures and the date of such purchase. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.

Seller to provide invoice.

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

Refund for fuel destroyed.

Must be proved.

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

Effective immediately.

Passed the Senate February 10, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 13, 1943.

CHAPTER 85.

[S. B. 230.]

INDUSTRIAL INSURANCE. WAR PROJECTS INSURANCE
RATING PLAN.

AN ACT relating to industrial insurance, authorizing the Department of Labor and Industries to approve or promulgate a War Projects Insurance Rating Plan providing for insurance with respect to certain projects involved in the prosecution of the war, and further to approve or direct modifications of such plan, prescribing the period of effectiveness thereof and declaring an emergency.

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

War projects
rating plan.

SECTION 1. The Department of Labor and Industries may approve or promulgate a War Projects Insurance Rating Plan, providing for insurance with respect to cost plus fixed fee projects involved in the prosecution of the war and engaged in the performance of work, either directly or indirectly, for the United States, regardless of whether such plan conforms to the requirements specified in the industrial insurance law of this state whenever the department finds that the application of such plan will effectively aid the prosecution of the war; and the department may further approve or direct changes or modifications of such War Projects Insurance Rating Plan.

Effective
period.

SEC. 2. This act shall remain effective during the continued existence of the emergency proclaimed by the President of the United States, and thereafter for such reasonable period as the Department of Labor and Industries deems necessary.

Effective im-
mediately.

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 2, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 15, 1943.

CHAPTER 86.

[S. B. 120.]

STATE OFFICERS AND EMPLOYEES. EXPENSE
ALLOWANCE.

AN ACT relating to expense allowances for persons engaged in official business of the State of Washington while away from their designated posts of duty.

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

SECTION 1. The heads of all departments of state government are hereby authorized to prescribe per diem rates of allowance not exceeding six dollars (\$6) per day in lieu of subsistence and lodging to elective and appointive officials and state employees engaged in official business away from their designated posts of duty, but within the State of Washington or an adjoining state, and per diem rates of allowance not exceeding eight dollars (\$8) per day in lieu of subsistence and lodging to such officials and employees engaged in official business elsewhere.

Per diem rates.

SEC. 2. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than by common carrier, he shall be allowed a mileage rate not to exceed five cents (5¢) per mile.

Mileage rate for private cars.

SEC. 3. No person authorized to receive expenses as provided for in this act shall be entitled to receive any amount for such expenses until he shall have first set forth under oath, on forms prescribed by the State Auditor, the actual days and fractions thereof, if per diem is claimed, and the mileage traveled, if private car mileage is claimed, and the nature of the business transacted.

Claims under oath.

Auditor to
make rules.

SEC. 4. It shall be the duty of the State Auditor to adopt such reasonable rules and regulations, and provide such forms as may be necessary to carry out the provisions of this act.

Passed the Senate February 18, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 87.

[S. B. 121.]

GARBAGE DISPOSAL.

AN ACT relating to the acquisition of sites for the collection and disposal of garbage and maintenance thereof, providing for the making of rules and regulations for its use, prescribing penalties for violation thereof, and declaring an emergency.

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

Garbage
sites.

SECTION 1. The Board of County Commissioners of each county of this state is hereby empowered and authorized to acquire by purchase or by gift, dedication or donation, garbage sites for the use of the public in disposing of garbage and refuse.

Rules for
use.

SEC. 2. The Board of County Commissioners of each county is hereby empowered and authorized to make such rules and regulations as may be deemed necessary for the use and occupation of such sites, and may provide for the maintenance and care thereof. Any person violating any of the rules and regulations made by said Board of County Commissioners of any county of the State of Washington relating to the use or occupation of any site owned or occupied by said county for garbage disposal purposes shall be guilty of a misdemeanor.

Penalty for
violation.

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

Effective im-
mediately.

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

Passed the Senate February 16, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 88.

[S. B. 128.]

STUDY OF SECONDARY HIGHWAYS.

AN ACT authorizing the Director of Highways of the State of Washington to make a study of a Secondary State Highway System, to compile data thereon and submit a report and recommendation to the next regular session of the Legislature.

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

SECTION 1. The Director of Highways of the State of Washington is hereby empowered and directed to make a study during the ensuing biennium, of a tentative Secondary State Highway System which shall include roads in each county which are the most important from the standpoint of traffic service and which will in his opinion qualify for inclusion in the ultimate 10% Federal Aid Secondary or Feeder Road System. Director to make study.

SEC. 2. The Director of Highways shall compile the pertinent data and information and submit his report together with his recommendations to the next regular session of the Legislature of the State of Washington. Report to legislature.

Passed the Senate February 9, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 89.

[S. B. 129.]

DEFICIENCY APPROPRIATION FOR TACOMA NARROWS
FERRY.

AN ACT making a deficiency appropriation in the sum of forty-five thousand dollars (\$45,000) or so much thereof as shall be necessary from the Motor Vehicle Fund for salaries, wages, operations and maintenance of ferry service at Tacoma Narrows, and declaring an emergency.

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

Deficiency
appropriation.

SECTION 1. By reason of a deficiency existing in the appropriation made by the Twenty-seventh regular session of the Legislature, there is hereby appropriated from the Motor Vehicle Fund for the fiscal biennium ending March 31, 1943, the sum of forty-five thousand dollars (\$45,000) or so much thereof as shall be necessary to pay salaries, wages, operations and maintenance of ferry service at the Tacoma Narrows on Primary State Highway No. 14.

Effective im-
mediately.

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

Passed the Senate February 9, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 90.

[S. B. 133.]

WASHINGTON STATE DAIRY ACT.

AN ACT relating to dairying and amending sections 1, 2, 11, 26, 27, and 28, chapter 192, Laws of 1919, as amended (secs. 6164, 6165, 6174, 6189, 6190 and 6191, Rem. Rev. Stat.).

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

SECTION 1. That section 1, chapter 192, Laws of 1919, as amended by section 1, chapter 192, Laws of 1927; section 1, chapter 213, Laws of 1929 and section 1, chapter 188, Laws of 1933 (sec. 6164, Rem. Rev. Stat.) be amended by striking the same and substituting in lieu thereof sixty-seven new sections numbered and reading as follows: Amendments.

Section 1. This act may be cited as the "Washington State Dairy Act." For its purposes, certain words, terms and expressions shall have the meaning ascribed to them in the several sections following. Citation.
Definitions.

Section 1(1). The term "dairy" shall mean any place where milk from one or more cows or goats is produced for sale. "Dairy."

Section 1(2). The term "creamery" shall mean any building or structure wherein milk or cream is manufactured into butter for sale. "Creamery."

Section 1(3). The term "milk plant" shall mean any building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing. "Milk plant."

Section 1(4). The term "cheese factory" shall mean any building or structure wherein milk is manufactured into cheese. "Cheese factory."

Section 1(5). The term "factory of milk products" shall mean any building or structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, wherein milk or any of its products is manufactured, altered, "Factory of milk products."

changed or compounded into any article, compound or product designed and intended for human consumption, or where butter is cut or wrapped: *Provided*, That the above does not apply to freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory.

"Milk condensing plant."

Section 1(6). The term "milk condensing plant" shall mean any building or structure wherein milk is condensed or evaporated.

"Ice cream factory."

Section 1(7). The term "ice cream factory" shall mean any building or structure which complies with the sanitary requirements as set forth in section 6166 of Remington's Revised Statutes where ice cream mix is produced for sale or distribution as such and may include the completion of the process by freezing such mix into the finished product called ice cream.

"Counter ice cream freezer."

Section 1(8). The term "counter ice cream freezer" shall mean and include all counter type freezing machines, usually operated in retail establishments, other than a milk plant, creamery, milk condensing plant, factory of milk products or ice cream factory.

"Milk."

Section 1(9). The term "milk" shall mean the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows or goats, properly fed and kept, and not obtained or taken within ten (10) days preceding the parturition of such cow or cows, goat or goats, nor within seven (7) days thereafter, and which contains not less than eight per cent (8%) of milk solids, exclusive of fat, and not less than three and twenty-five one-hundredths per cent (3.25%) of milk fat: *Provided, however*, That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of the whole unadulterated milk from any cow or goat whose milk tests below the milk fat standard herein fixed.

Section 1(10). The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than three and twenty-five one-hundredths per cent (3.25%) of milk fat, and not less than eight and eight-tenths per cent (8.8%) of milk solids exclusive of fat.

"Skimmed milk."

Section 1(11). The term "homogenized milk" shall mean milk that has been put under pressure of not less than twenty-five hundred (2500) pounds per square inch and that conforms to the standards for milk. Not less than seventy-five per cent (75%) of the fat globules in homogenized milk shall exceed two (2) micra in diameter.

"Homogenized milk."

Section 1(12). The term "homogenized cream" shall mean cream that has been put under pressure of not less than four hundred (400) pounds per square inch and that conforms to the standards for cream. Not less than forty per cent (40%) of the fat globules in cream shall exceed two and one-half (2½) micra in diameter.

"Homogenized cream."

Section 1(13). The term "sterilized milk" shall mean milk that has been heated under six (6) pounds of steam pressure and maintained at such temperature not less than twenty (20) minutes, which shall be sufficient to kill all organisms present in such milk.

"Sterilized milk."

Section 1(14). The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of all its constituents and not less than eight and five-tenths per cent (8.5%) of milk solids exclusive of fat.

"Blended milk."

Section 1(15). The term "modified milk" is milk which has been altered in composition to conform to special nutritional requirements. Modified milk may be sold only upon prescription of a regularly licensed physician.

"Modified milk."

Section 1(16). The term "condensed milk," "evaporated milk" and "concentrated milk," and each or either of them, shall mean the product re-

"Condensed milk."

sulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows or goats, and not obtained within ten (10) days before nor within seven (7) days after parturition, and which contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent (25.5%) of total solids and not less than seven and eight-tenths per cent (7.8%) of milk fat.

"Condensed skimmed milk."

Section 1(17). The term "condensed skimmed milk," "evaporated skimmed milk" and "concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent (18%) of milk solids.

"Sweetened condensed milk."

Section 1(18). The term "sweetened condensed milk," "sweetened evaporated milk" and "sweetened concentrated milk," and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

"Sweetened condensed skimmed milk."

Section 1(19). The term "sweetened condensed skimmed milk," "sweetened evaporated skimmed milk," and "sweetened concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than twenty-eight per cent (28%) of milk solids.

"Dried milk."

Section 1(20). The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than twenty-six per cent (26%) of milk fat and not more than five per cent (5%) of moisture.

Section 1(21). The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk and which contains, all tolerances being allowed for, not more than five per cent (5%) of moisture.

"Dried skimmed milk."

Section 1(22). The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than seven and one-half per cent (7.5%) of milk fat and not more than three and one-half per cent (3.5%) of moisture.

"Malted milk."

Section 1(23). The term "buttermilk" or "cultured buttermilk" shall mean that portion of the milk which remains after the separation and removal therefrom of the milk fat and may contain not to exceed one-half of one per cent (.5%) of gelatine.

"Buttermilk."

Section 1(24). The term "creamed buttermilk" or "cream buttermilk" shall be the same as above defined and to which enough milk fat has been added so as to contain not less than three and twenty-five per cent (3.25%) of milk fat.

"Creamed buttermilk."

Section 1(25). The term "ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten per cent (10%) of milk fats, and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Ice cream."

Section 1(26). The term "fruit ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or

"Fruit ice cream."

without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and mature fruits and which contains not less than ten per cent (10%) of milk fat, and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Nut ice cream."

Section 1(27). The term "nut ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and nonrancid nuts, and which contains not less than ten per cent (10%) of milk fat and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Ice milk."

Section 1(28). The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths per cent (3.25%) of milk fat, and not more than six-tenths of one per cent (.6%) of pure and harmless vegetable gum or gelatine. Any person, firm or corporation serving ice milk shall display in a conspicuous place a sign with the words "Ice Milk Served Here," in plain Gothic type not less than two (2) inches high.

"Butterfat."

Section 1(29). The term "milk fat" and "butter fat," and each or either of them, shall mean the fat of milk having a Reichert-Meissel number not less than twenty-four (24), and a specific gravity not less than .905 at a temperature of forty (40) degrees centigrade.

"Cream."

Section 1(30). The term "cream" shall mean that portion of milk rich in milk fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and

contains not less than eighteen per cent (18%) of milk fat.

Section 1(31). The term "whipping cream" or "pastry cream" shall mean cream labeled or sold as whipping cream and shall contain not less than thirty-two per cent (32%) of milk fat. "Whipping cream."

Section 1(32). The term "butter" shall mean the clear, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than eighty per cent (80%) of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter. "Butter."

Section 1(33). The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream or other product of milk. "Renovated butter."

Section 1(34). The term "re-worked butter" shall mean the product obtained by mixing, re-churning or re-working butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product re-worked butter within the meaning of this act. "Re-worked butter."

Section 1(35). The term "milk products" shall mean and include each, every and any article, substance, product or compound manufactured, produced or compounded from milk, whether such milk conforms to the standard and definitions set forth in this section or not. "Milk products."

Section 1(36). The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and "Milk by-products."

shall include skimmed milk, buttermilk, whey, casein and milk powder.

"Cheese."

Section 1(37). The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid or pepsin, with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

"Whole milk cheese."

Section 1(38). The term "whole milk cheese" shall mean and include: Cheddar cheese, American cheese, American Cheddar cheese. The cheese made by the Cheddar process from heated and pressed curd obtained by the action of rennet on whole milk. It contains not more than thirty-nine per cent (39%) of water, and, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Pineapple cheese."

Section 1(39). The term "pineapple cheese" shall mean cheese made by the pineapple Cheddar cheese process from pressed curd obtained by the action of rennet on whole milk. The curd is formed into a shape resembling a pineapple, with characteristic surface corrugations, and during the ripening period the cheese is thoroughly coated and rubbed with a suitable oil, with or without shellac. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Limburger cheese."

Section 1(40). The term "Limburger cheese" shall mean cheese made by the Limburger process from unpressed curd obtained by the action of rennet on whole milk. The curd is ripened in a damp atmosphere by special fermentation. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Brick cheese."

Section 1(41). The term "brick cheese" shall mean quick ripened cheese made by the brick-cheese process from pressed curd obtained by the action of rennet on whole milk. It contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

Section 1(42). The term "Stilton cheese" shall mean cheese made by the Stilton process from unpressed curd obtained by the action of rennet on whole milk, with or without added cream. During the ripening process a special blue-green mold develops, and the cheese thus acquires a marbled or mottled appearance in section.

"Stilton
cheese."

Section 1(43). The term "Gouda cheese" shall mean cheese made by the Gouda process from heated and pressed curd obtained by the action of rennet on whole milk. The rind is colored with saffron. The finished cheese contains, in the water-free substance, not less than forty-five per cent (45%) of milk fat.

"Gouda
cheese."

Section 1(44). The term "Neufchatel cheese" shall mean cheese made by the Neufchatel process from unheated curd obtained by the combined action of lactic fermentation and rennet on whole milk. The curd, drained by gravity and light pressure, is kneaded or worked into a butterlike consistence and pressed into forms for immediate consumption or for ripening. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Neufchatel
cheese."

Section 1(45). The term "cream cheese" shall mean unripened cheese made by the Neufchatel process from whole milk enriched with cream. It contains, in the water-free substance, not less than sixty-five per cent (65%) of milk fat.

"Cream
cheese."

Section 1(46). The term "Roquefort cheese" or "Roquefort type cheese" shall mean cheese made by the Roquefort process from unheated, unpressed curd obtained by the action of rennet on the whole milk of sheep, goats or cows. The curd is inoculated with a special mold (*Penicillium roqueforti*) and ripens with the growth of the mold. The fully ripened cheese is friable and has a mottled or marbled appearance in section.

"Roquefort
cheese."

Section 1(47). The term "Gorgonzola cheese" shall mean cheese made by the Gorgonzola process

"Gorgonzola
cheese."

from curd obtained by the action of rennet on whole milk. The cheese ripens in a cool, moist atmosphere with the development of a blue-green mold and thus acquires a mottled or marbled appearance in section.

"Half skim
cheese."

Section 1 (48). The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than fifty per cent (50%) and not less than twenty-five per cent (25%) of milk fat.

"Quarter
skim
cheese."

Section 1 (49). The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than twenty-five per cent (25%) and not less than twelve per cent (12%) of milk fat.

"Skim
cheese."

Section 1 (50). The term "skim cheese" shall mean cheese which contains in the water-free substance thereof less than twelve per cent (12%) of milk fat.

"Edam
cheese."

Section 1 (51). The term "Edam cheese" shall mean cheese made by the Edam process from heated and pressed curd obtained by the action of rennet on whole milk or on partly skimmed milk. It is commonly made in spherical form and coated with a suitable oil and a harmless red coloring matter.

"Swiss
cheese."

Section 1 (52). The term "Swiss cheese" shall mean cheese made by the Emmenthaler process from heated and pressed curd obtained by the action of rennet on whole milk or on partly skimmed milk. It is ripened by special gas-producing bacteria, causing characteristic "eyes" or holes. The finished cheese contains, in the water-free substance, not less than forty-five per cent (45%) of milk fat.

"Camembert
cheese."

Section 1 (53). The term "Camembert cheese" shall mean cheese made by the Camembert process from unheated, unpressed curd obtained by the action of rennet on whole milk or on slightly skimmed milk. It is ripened by the growth of a special mold (*Penicillium camemberti*) on the outer surface. The finished cheese contains, in the water-

free substance, not less than forty-five per cent (45%) of milk fat.

Section 1 (54). The term "Brie cheese" shall mean cheese made by the Brie process from unheated, unpressed curd obtained by the action of rennet on whole milk, on milk with added cream, or on slightly skimmed milk. It is ripened by the growth of a special mold on the outer surface.

"Brie
cheese."

Section 1 (55). The term "Parmesan cheese" shall mean cheese made by the Parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. The cheese, during the long ripening process, is coated with a suitable oil.

"Parmesan
cheese."

Section 1 (56). The term "cottage cheese" shall mean unripened cheese made from heated or unheated, separated curd obtained by the action of lactic fermentation or rennet, or a combination of the two, on skimmed milk, with or without the addition of buttermilk. The drained curd may be enriched with cream, and salted or otherwise seasoned.

"Cottage
cheese."

Section 1 (57). The term "creamed cottage cheese" shall mean cheese manufactured from pure, clean, wholesome skim milk, to which may be added not to exceed one per cent (1%), by weight, of pure, edible gelatine or other edible gum, and not to exceed one per cent (1%), by weight, of pure cane or beet sugar, and with or without the addition of pure food colors; and to which a sufficient quantity of pure fresh sweet cream shall be added so that the finished product shall contain not less than four per cent (4%) of pure milk fat.

"Creamed
cottage
cheese."

Section 1 (58). The terms "pasteurized cheese" and "pasteurized blended cheese" shall mean the pasteurized product made by comminuting and mixing, with the aid of heat and water, one or more lots of cheese into a homogeneous, plastic mass. The unqualified name "pasteurized cheese," "pasteurized blended cheese," is understood to mean pasteur-

"Pasteurized
cheese."

ized Cheddar cheese, pasteurized blended Cheddar cheese, and applies to a product which conforms to the standard for Cheddar cheese. Pasteurized cheese, pasteurized blended cheese, bearing a varietal name is made from cheese of the variety indicated by the name and conforms to the limits for fat and moisture for cheese of that variety.

"Process cheese."

Section 1 (59). The term "process cheese" shall mean the modified cheese made by comminuting and mixing one or more lots of cheese into a homogeneous, plastic mass, with the aid of heat, with or without the addition of water, and with the incorporation of not more than three per cent (3%) of a suitable emulsifying agent. The name "process cheese" unqualified is understood to mean process Cheddar cheese, and applies to a product which contains not more than forty per cent (40%) of water and, in the water-free substance, not less than fifty per cent (50%) of milk fat. Process cheese qualified by a varietal name is made from cheese of the variety indicated by the name, and conforms to the limits for fat and moisture for cheese of that variety.

"Dry curd."

Section 1 (60). The term "dry curd" shall mean the curd manufactured from pure, clean, wholesome skim milk, with or without the addition of pure food colors, and without the addition of milk fat.

"Whey cheese."

Section 1 (61). Whey cheese (so-called) is produced by various processes from the constituents of whey. There are a number of varieties, each of which bears a distinctive name, according to the nature of the process by which it has been produced, as, for example, "Ricotta," "Zieger," "Primost," "Mysost."

"Imitation cheese."

Section 1 (62). The term "imitation cheese" shall mean any article, substance or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese and designed to be sold or used as a substitute for cheese made from pure milk or

cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation: *And provided, further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Section 1 (63). The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making. "Whey."

Section 1 (64). The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be sold as butter or for butter. "Oleo-margarine."

Section 1 (65). The term "butter substitute" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than eighty per cent (80%) of milk fat. "Butter substitute."

Section 1 (66). The term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, copartnerships, corporations and unincorporated societies and associations. "Person."

SEC. 2. That section 2, chapter 192, Laws of 1919, as amended by section 2, chapter 192, Laws of 1927 and section 2, chapter 213, Laws of 1929 (sec. 6165, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 2. A dairy shall be deemed insanitary in the following cases: Dairy deemed insanitary.

Water
supply
polluted.

(a) If the drinking water provided for the cows or goats therein be stagnant, polluted with manure, urine, drainage, or decaying vegetable or animal matter.

Yard or
barn dirty.

(b) If the yards or enclosures in which the cows or goats are confined or kept be filthy or insanitary, or if a barn or stable is not provided with suitable floors, gutters and drainage, properly sealed and partitioned from feed storage, or if horses, swine, fowls, calves or other contaminating nuisances shall be permitted in parts of the dairy barn used for milking.

Manure
deposits.

(c) If any part of the yards or enclosures in which the cows or goats are confined or kept, other than pastures, be made depositories of manure in heaps, or otherwise, where it is allowed to ferment and decay.

Milk
houses.

(d) If a suitable milk house or milk room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, bottling, canning, keeping or separating the milk or cream. Such milk house or milk room shall not be located in, nor be a part of, any barn or poultry house, and no milk house or milk room shall open directly into any barn, and shall not be used for any other purpose whatsoever, and if contained in any building or structure in which any business, occupation or trade, other than handling, bottling or processing milk is conducted or carried on, such milk room shall be separated from the portion or portions of such building or structure in which such business, trade or occupation is conducted or carried on, by a tightly sealed or plastered partition, with no door opening directly into a barn where cows are kept or milked, and double doors with a vestibule between shall be permitted in lieu of outside door, and an adequate drainage system provided to carry the drainage one hundred (100) feet from the milk house or milk room or if such milk house is not provided with a concrete floor or a floor of equal impervious material or if the

Drainage
system.

ceiling and walls are not finished with a smooth surface.

(e) If milk or cream shall be cooled, stored, mixed, bottled, canned or kept in any room or place occupied by any person as a sleeping or living apartment, or occupied by horses, cows, hogs, or other animals, or by fowl of any kind.

(f) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure, or other filth shall be permitted within one hundred (100) feet of such milk house, or milk room or within fifty (50) feet of any cow stalls or stanchions, or other place where milking is done: *Provided*, That modern toilets of the flush type may be permitted adjacent to milk rooms or barns if they are placed in separate rooms, properly ventilated and sealed and do not open into any room where milk is handled.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt or other filth.

(h) If an application of lime whitewash or paint to the interior of any cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, shall not be made as often as once in one year, and if three (3) square feet of window light per cow are not provided.

(i) If the milking machines, pails, cans or other containers of milk, or the strainers or coolers coming in contact with the milk are not thoroughly cleansed and sterilized with boiling water, live steam or approved chemical sterilization method each and every time the same are used, or if such utensils are allowed to become rusty or insanitary. Such washing and sterilizing shall be done in the milk room.

(j) If the person or wearing apparel of the dairyman, or his employees, or other persons coming in contact with milk and its products, are allowed

Urinals and
privies.

Proviso.

Clean milk
houses.

Barns light
and
painted.

Machines and
containers
sterilized.

Person and
clothes
clean.

to become soiled, or are not washed from time to time with reasonable frequency.

Clean stools.

(k) If the milking stools are not kept clean.

(1) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Floors tight.

(m) If the floor of such cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath the floor, or among the interstices of such floor in such manner as to permit fermentation or decay to take place.

Penalty.

For failure to comply with the above regulations a dairy may be closed until such time as the regulations have been complied with, and it shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

Amendments.

SEC. 3. That section 11, chapter 192, Laws of 1919, as amended by section 4, chapter 27, Laws of 1923 and section 3, chapter 192, Laws of 1927 (sec. 6174, Rem. Rev. Stat.) be amended to read as follows:

Pasteurization defined.

Section 11. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-two and one-half ($142\frac{1}{2}$) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty (50) degrees Fahrenheit in a separate

tank or container other than that in which it is pasteurized, or uniformly heating such milk to a temperature of not less than one hundred and sixty (160) degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen (15) seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-two and one-half (142½) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, or of heating the same to a temperature of one hundred and seventy-six (176) degrees Fahrenheit, without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided, further,* That the heating of milk to above one hundred and ten (110) degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

Proviso.

Proviso.

SEC. 4. That section 26, chapter 192, Laws of 1919, as amended by section 7, chapter 27, Laws of 1923 and section 8, chapter 192, Laws of 1927 (sec. 6189, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 26. Any person may receive from the Department of Agriculture a license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker upon application therefor and upon the payment to said department

Director to license.

of a license fee of two dollars (\$2) therefor. Before issuing such license the Department of Agriculture shall inquire into the qualifications of the applicant, and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

Amendments. SEC. 5. That section 27, chapter 192, Laws of 1919, as amended by section 9, chapter 192, Laws of 1927 (sec. 6190, Rem. Rev. Stat.) be amended to read as follows:

Applications for licenses. Section 27. Applications for licenses as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall be made upon application blank to be provided and furnished by the Department of Agriculture, and shall be filed with the department. Upon receipt of any such application the Department of Agriculture may, if the Director shall so direct, issue a permit to the applicant to act as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker, for such period as may be prescribed and stated in said permit, not to exceed sixty (60) days, but such permit shall not be renewed so as to extend the period beyond sixty (60) days from the filing of the application.

Temporary permit.

Amendments. SEC. 6. That section 28, chapter 192, Laws of 1919, as amended by section 10, chapter 192, Laws of 1927 (sec. 6191, Rem. Rev. Stat.) be amended to read as follows:

Outstanding licenses expire. Section 28. Every license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall expire on the 31st day of December, 1943. Such licenses shall be renewed on or before January 1, 1944, and every two (2) years thereafter, in accordance with the provisions of section 6189, Rem. Rev. Stat. Any license as a Babcock licensed tester, sampler, weigher, grader,

Renewals.

pasteurizer, butter maker or cheese maker may at any time be revoked by the Department of Agriculture, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this act, or shall exhibit in the discharge of his functions any gross carelessness or lack of qualification, or shall fail to comply with the rules and regulations issued and promulgated by the Department of Agriculture under the authority of this act.

Director
may revoke.

Passed the Senate February 12, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 91.

[S. B. 141.]

MINING CLAIMS AND LOCATIONS. ASSESSMENT WORK.

AN ACT relating to mining claims and locations; providing for the suspension as of 12 o'clock meridian, January 1, 1943, of state requirements as to annual assessment work in certain areas and providing that this act shall take effect immediately.

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

SECTION 1. That, with respect to mining claims and locations situated within areas withdrawn by federal executive order for purposes of national defense, and in order that state law may conform with the provisions of Public Law 542, 77th Congress, 2nd Session, the provision of section 1, chapter XLVI, Laws of 1893, State of Washington (Rem. Rev. Stat. 8618), requiring that in order to hold possessory rights to the location of a mine not less than \$100 worth of work must be performed or improvements make thereon annually, be and the same is hereby

Assessment
work
suspended.

suspended as of 12 o'clock meridian, January 1, 1943, for the year beginning January 1, 1942, and until 12 o'clock meridian, January 1, 1944, for the year beginning January 1, 1943, and until 12 o'clock meridian, January 1, 1945, for the year beginning January 1, 1944.

Effective
immediately.

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

Passed the Senate February 4, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 92.

[S. B. 144.]

CITIES AND TOWNS. INVESTMENT OF FUNDS.

AN ACT relating to cities and towns and authorizing the investment of its funds, including pension funds, in certain securities.

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

Investment
of inactive
or excess
funds.

SECTION 1. Any city or town is hereby authorized to invest all or any portion of the monies in its inactive funds or the monies in other funds in excess of the current needs of the city or town in United States bonds, United States certificates of indebtedness, Washington State bonds or warrants, general obligation bonds or warrants or utility revenue bonds or warrants of its own or of any other city of the State of Washington, or in its own bonds or warrants of a local improvement or condemnation award district which are within the protection of the Local Improvement Guaranty Fund Law. Such investment shall be made only with the approval of the finance committee of the city or town and the ap-

Approval
required.

proval of its legislative authority expressed by resolution; and any of the securities acquired as herein authorized may be converted into cash at any time upon like approval.

SEC. 2. Any city or town now or hereafter operating an employes' pension system, established and operated pursuant to state statute or charter provision, is hereby authorized to invest pension fund monies in such securities of the United States, states, municipal corporations and other public bodies, as are designated by the laws of the State of Washington as lawful investments for the funds of mutual savings banks. Investment of pension funds may also be made in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the Local Improvement Guaranty Fund Law or utility bonds and warrants, issued by the city or town operating such pension system. Investment of pension funds shall be made by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

Investment
of pension
funds.

SEC. 3. This act shall be deemed cumulative and not exclusive and shall be additional to any other power or authority granted any city or town.

Act
cumulative.

Passed the Senate February 11, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 93.

[S. B. 155.]

WAR EMERGENCY.

AN ACT relating to the War Emergency, authorizing the state and any county, city, town, township, diking district, drainage district, diking, drainage or sewerage improvement district, irrigation district and other public corporation to sell or rent tools or equipment to the United States or to the War Production Board or its successor in authority, or any person designated by it, and declaring an emergency.

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

Declaration
of intent.

SECTION 1. The war effort has made huge demands on available construction tools and equipment. A shortage of such tools and equipment now exists and may hereafter grow more serious. At any time the Federal government may be required to request the sale or lease of construction equipment and tools owned by the state to itself or to contractors engaged in projects essential to the war effort. In order that the state may be in position to cooperate to the fullest possible extent with the Federal government in the prosecution of the war effort, it is necessary that immediate authorization to sell or lease such equipment, if the same be required for the war effort, be granted.

Authority to
sell or lease.

SEC. 2. The head of each department of government of the State of Washington, subject to the approval of the Director of Finance, Budget and Business, and the governing body of each county, city, town, township, irrigation district, diking district, drainage district, diking, drainage or sewerage improvement district, or other municipal or quasi municipal corporation in the state are hereby authorized to sell or lease any tools or equipment owned by such department or municipal or quasi municipal corporation or under its control to the government

Tools and
equipment.

of the United States or the War Production Board, or its successor in authority, or to any person designated by it: *Provided*, In either case that the War Production Board or its successor in authority certified to the head of the department or the governing board that such tools and equipment or the rental thereof are essential to the war effort. Notwithstanding any law or rule or regulation to the contrary, such sales or leases may be made on an informal basis without the taking of bids: *Provided*, No such property shall be rented or sold for any sum less than that fixed by the War Production Board in its schedule of prices for the sale or rental of such property.

Needed in
war effort.

WPB price
schedule.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately and it shall be in force and effect until the cessation of hostilities in the present war, as declared by the President of the United States or by the Congress.

Effective
immediately.

Termination
fixed.

Passed the Senate February 22, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 94.

[S. H. B. 23.]

COMPENSATION OF BAILIFFS.

AN ACT relating to compensation of bailiffs in Superior Courts and amending section 1, chapter X, Laws of 1891, as amended by section 1, chapter 94, Laws of 1917 as amended by section 1, chapter 134, Laws of 1939 (section 10973, Remington's Revised Statutes; section 8641, Pierce's Code), and declaring an emergency and that this act shall take effect immediately.

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

Amendments. SECTION 1. Section 1, chapter X, Laws of 1891 as amended by section 1, chapter 94, Laws of 1917 as amended by section 1, chapter 134, Laws of 1939 (section 10973, Remington's Revised Statutes; section 8641, Pierce's Code), is amended to read as follows:

Pay of
bailiffs.

Section 1. Bailiffs of the several Superior Courts in this state, appointed by the respective judges thereof, shall be paid for their services as follows:

1. In class A counties the sum of one hundred seventy dollars (\$170) per month.

2. In counties having a population of more than one hundred twenty-five thousand (125,000) and not class A counties the sum of one hundred fifty-five dollars (\$155) per month.

3. In counties having a population of seventy-five thousand (75,000) but less than one hundred twenty-five thousand (125,000) the sum of one hundred twenty dollars (\$120) per month.

4. In counties having a population of less than seventy-five thousand (75,000) not less than five dollars (\$5) per day.

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

Passed the House March 3, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 95.

[H. B. 37.]

HOUSING PROJECTS.

AN ACT extending the time in which the development of projects may be initiated by housing authorities to provide housing for persons engaged in national defense activities and amending sections 2 and 3, chapter 54, Laws of 1941 (secs. 6889-42 and 6889-43, Rem. Rev. Stat.).

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

SECTION 1. That section 2, chapter 54, Laws of 1941 (sec. 6889-42, Rem. Rev. Stat.) be amended to read as follows: Amendments.

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

(b) "Persons of low income," as used in this act, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to

live in decent, safe and sanitary dwellings, without overcrowding.

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

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

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

(f) The development of a project shall be deemed to be "initiated," within the meaning of this act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to the termination of the present war: *Provided, however,* That should the war terminate during the next biennium, this date shall be no sooner than December 1, 1945.

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

SEC. 2. That section 3, chapter 54, Laws of 1941 (sec. 6889-43, Rem. Rev. Stat.), be amended to read as follows: Amendments.

Section 3. Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this act after the termination of the present war: *Provided, however,* That should the war terminate during the next biennium, this date shall be no sooner than December 1, 1945. Projects may be undertaken.

Terminates.

Proviso.

Passed the House February 15, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 96.

[H. B. 38.]

WAR MOBILIZATION OF FIREMEN.

AN ACT relating to the wartime mobilization of paid, volunteer and auxiliary firemen and prescribing the powers, duties, and responsibilities of the Governor and other public officials in connection therewith.

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

SECTION 1. *Outside Service by Paid, Volunteer, and Auxiliary Firemen.* At the request of the governing body of any county, city, town or fire district, the head of any fire department of any other political subdivision may, or if so ordered by the Governor, shall assign and make available for duty and use in such county, city, town or fire district, Assign upon request.

under the direction and command of such officer as may be designated for the purpose, any part of the fire-fighting forces and equipment under his control: *Provided*, That any equipment made available by loan, or otherwise, to any county, city, town or fire district in the State, by the United States Government or any agency thereof, shall at all times be subject to the order of the United States Government or such agency in accordance with the terms and conditions upon which such equipment shall have been made available.

Government equipment.

Rights and privileges maintained.

SEC. 2. *Powers, Duties, Rights, Privileges and Immunities.* Whenever the fire-fighting forces of any county, city, town or fire district are rendering outside aid pursuant to this Act, the officers and members of such fire-fighting forces shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

Using district liable for loss or damage.

SEC. 3. *Loss, Damage or Expense.* The county, city, town or fire district in which any equipment is used pursuant to this Act shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for any such loss, damage or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claims, under oath, is served by mail or otherwise upon the treasurer of such county, city, town or fire district where the equipment was used.

Time limit for claims.

Non-liability for acts or omissions.

SEC. 4. *Liability for Acts or Omissions.* Neither the State nor the political subdivision of the State whose fire-fighting forces are rendering outside aid pursuant to this act shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or

use of any equipment or supplies in connection therewith; nor shall any commissioner, chief or other superior officer of a fire department, fire company or other fire-fighting forces, acting pursuant to this act, be liable on account of any act or omission on the part of any of his subordinates while such subordinates are rendering outside aid pursuant to this act under the command of an officer other than himself.

SEC. 5. *Reimbursement for Salaries and Expenses.* The political subdivision which is aided pursuant to this Act shall reimburse the political subdivision furnishing such aid for the compensation paid to employees furnished under this Act during the time the rendition of such aid prevents them from performing their duties in the political subdivision by which they are employed and shall defray the actual traveling and maintenance expenses of such employees while they are rendering such aid. The term "employed" as used herein shall mean and the provisions of this Act shall apply with equal effect to paid, volunteer and auxiliary firemen.

Reimbursement.

SEC. 6. *Temporary Substitute Fire-Fighting Forces.* Substitute firemen, not exceeding the number of regular firemen, may be appointed by the same persons authorized by law to appoint regular firemen: *Provided*, That such appointments shall not be subject to the requirements of any civil service law or rules and that such substitute firemen shall not be entitled to any pension or retirement rights or privileges. The substitute firemen appointed under this Act shall have the powers, functions and duties of regular firemen. The compensation of such substitute firemen shall not be greater than the lowest rate of pay for regular firemen. Persons appointed as substitute firemen shall exer-

Substitute firemen.

Civil service waived.

Compensation.

cise their powers, functions and duties only when called upon, during the period all, or any part, of the regular fire-fighting forces of any county, city, town, or fire district are rendering outside aid pursuant to this Act, and for no longer than two days after the return to duty of the part of the regular fire-fighting forces for which they are substituting. The compensation of such substitute firemen and any allowable expense necessarily incurred by them in the performance of their duties shall be charged against the county, city, town or fire district for which they were appointed and shall be audited, allowed and paid as other charges against it are audited, allowed and paid.

Governor
to make
rules.

SEC. 7. *Rules and Regulations.* The Governor may make, amend and rescind such orders, rules and regulations as he may deem advisable to carry out the provisions of this Act.

Short title.

SEC. 8. *Short Title.* This Act may be cited as the "Fire Defense Mobilization Act of 1943."

Effective
immediately.

SEC. 9. *Effective Date. Termination.* This Act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force for the duration of the existing war and for six months after termination thereof by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased or that the emergency in justification of extraordinary war time powers no longer exists.

Termination.

Passed the House February 3, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 97.

[H. B. 85.]

NOTARIES PUBLIC.

AN ACT relating to certificates of official character of Notaries Public and amending section 10, page 476, Laws of 1889-1890, said Act being entitled "An Act to provide for the appointment, qualification and duties of Notaries Public, certifying their official acts, and declaring an emergency to exist." (Section 9909, Remington's Revised Statutes.)

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

SECTION 1. Section 10, page 476, Laws of 1889-1890, said Act being entitled "An Act to provide for the appointment, qualification and duties of Notaries Public, certifying their official acts, and declaring an emergency to exist," (section 9909, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 10. The County Clerk of the county in which such notary resides, or the Secretary of State, may grant certificates of official character of notaries public. The certificate of the Clerk shall be under his hand and official seal, and that of the Secretary of State, under the seal of the State. Certificate of official character.

Passed the House February 5, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 98.

[H. B. 09.]

PURCHASE, SALE AND TRANSFER OF STOCKS OF
GOODS.

AN ACT relating to and regulating the purchase, sale and transfer of stocks of goods, wares and merchandise, and fixtures and equipment in bulk, and amending section 1, chapter 122, Laws of 1939 (section 5832 of Remington's Revised Statutes, Supplement).

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

Amendments. SECTION 1. That section 1, chapter 122, Laws of 1939 (section 5832 Remington's Revised Statutes, Supplement), is amended to read as follows:

Must receive
list of
creditors.

Section 1. It shall be the duty of every person who shall bargain for or purchase all or substantially all of any stock of goods, wares or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, and/or all or substantially all of the fixtures and equipment used in and about the business carried on by the vendor, in bulk, for cash or on credit, before paying the vendor, or his agent or representative, or delivering to the vendor, or his agent, any of the purchase price thereof, or any promissory note or other evidence of indebtedness therefor, to demand of and receive from such vendor, or his agent, or, if the vendor or agent be a corporation, then from the president, vice-president, secretary, treasurer, or managing agent of such corporation, a statement in writing, sworn to substantially as hereinafter provided, giving the names and addresses of all of the creditors of the vendor, to whom the vendor may be indebted, for or on account of any services, commodities, goods, wares or merchandise, and/or fixtures and equipment, used in or about or furnished to the business of the vendor, or for or on account

of money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a part, together with the amount of indebtedness due and owing and to become due and owing, by the vendor, to each of said creditors; and it shall be the duty of said vendor, or agent, to furnish such statement together with a statement of the consideration to be paid which shall be verified under oath, to the following effect:

State of Washington }
 County of } ss.

Form of statement.

....., being first duly sworn, on oath says: I am the vendor or the agent of, the vendor, or the officer (naming him, of the corporation vendor, as the case may be) of that certain stock of goods, wares and merchandise (or restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, as the case may be), and/or fixtures and equipment, situated at No., street, in the city (or town) of, County of, State of Washington, this day bargained to be sold to, the vendee, for and in consideration of \$.....; that the foregoing statement contains the names of all the creditors of said....., the vendor, to whom the vendor is indebted, for or on account of any services, commodities, goods, wares or merchandise, and/or fixtures and equipment, used in and about or furnished to the business of the vendor, or for or on account of money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures

and equipment, bargained for or purchased, are a part, together with their addresses, and that the amounts set opposite the names of said creditors are the correct amounts now due and owing and which shall become due and owing by said
 the vendor, to such creditors respectively; that there are no creditors holding claims for or on account of any such services, commodities, goods, wares or merchandise, and/or fixtures and equipment, or for or on account of money so borrowed, to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, due or to become due from said vendor, other than as set forth in said statements; and that the matters set forth in said statements and in this affidavit are within my personal knowledge.

.....
 Subscribed and sworn to before me this day
 of, 19.....

.....
 (Title of officer taking oath)

File with
 county
 auditor.

The verified statements above provided for shall be made in duplicate and the vendee shall file one of such statements in the office of the County Auditor of the county in which the stock and/or fixtures proposed to be purchased are situated, at least five days before the consummation of such purchase, and the same shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

Passed the House February 4, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 99.

[S. H. B. 149.]

COOPERATIVE MARKETING ASSOCIATIONS.

AN Act relating to cooperative marketing associations and cooperative associations and the rights of and limitations upon the members and stockholders thereof, and amending section 6, chapter 115, Laws of 1921, as amended by chapter 102, Laws of 1925, Extraordinary Session, as amended by chapter 195, Laws of 1941 (section 2883, Remington's Revised Statutes Supp.) and amending section 13, chapter 115, Laws of 1921, as amended by section 6, chapter 16, Laws of 1931 (section 2890, Remington's Revised Statutes); and amending section 13, chapter 19, Laws of 1913 (section 3916, Remington's Revised Statutes).

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

SECTION 1. That section 6, chapter 115, Laws of 1921, as amended by chapter 102, Laws of 1925, Extraordinary Session, as amended by chapter 195, Laws of 1941, (section 2883, Remington's Revised Statutes Supp.), be amended to read as follows: Amendments.

Section 6. (a) Under the terms and conditions prescribed in its by-laws, any association may admit as members, or issue common stock only to persons engaged in the production of agricultural products, or may at its option limit the issuance of common stock or membership to persons only engaged in the production of agricultural products, to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises. Membership limited to farmers.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, officer or member thereof, duly authorized in writing. Non-personal membership.

(c) Any association organized hereunder may become a member or stockholder of any other association or associations organized hereunder. Association membership.

Associate membership.

(d) Any member of an association organized under this Act who for a period of 30 days, or such longer period, not to exceed six months, as may be prescribed by the by-laws, shall cease to produce agricultural products for such association, and, if the association is engaged in furnishing supplies, machinery and equipment to members, shall cease, for a like period, to purchase from such association, shall be classified as an associate member. Any member who resigns from active membership may be classified as an associate member. Voting rights of associate members may be prohibited or restricted as prescribed in the by-laws of the association.

Voting rights.

Preferred stockholders.

Preferred stockholders engaged in the production of agricultural products may have all the rights and privileges of active members.

Association may buy stock of associate member.

(e) Any association organized under the provisions of this Act may purchase the stock or the membership of any associate member with any available funds of the association, whether surplus or not.

Amendments.

SEC. 2. That section 13, chapter 115, Laws of 1921, as amended by section 6, chapter 16, Laws of 1931 (section 2890, Remington's Revised Statutes), be amended to read as follows:

Certificate of membership.

Section 13. When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. Except for debts lawfully contracted between him and the association, 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 notes given in payment thereof. No stockholder of a cooperative association

Must be fully paid for.

Limited liability.

shall own more than 1/10 of the issued common stock of the association; and an association in its by-laws may limit the amount of common stock which any one member may own to any amount less than one-tenth of the issued common stock. Any association organized with stock under this Act may issue preferred stock, with or without the right to vote. Unless the articles otherwise provide, no member or stockholder shall be entitled to more than one vote. Such stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of agricultural products, and the by-laws or articles may prohibit the transfer of common stock to persons not active members of such association, and such restrictions must be printed upon every certificate of stock subject thereto. The by-laws and the marketing agreement, of the association, may provide for the retiring of the common or preferred stock of the association. Any shares of common or preferred stock redeemed, but not retired, may, from time to time, by order of the board of directors, without the vote of the members of the association, be reissued.

SEC. 3. That section 13, chapter 19, Laws of 1913 (section 3916, Remington's Revised Statutes), be and the same is hereby amended to read as follows:

Section 13. The trustees shall apportion the net earnings by first paying dividends on the paid-up capital stock at a rate not exceeding eight per cent per annum; then setting aside not less than ten per cent nor more than twenty-five per cent of the remainder annually of the net profits for a reserve fund and the remainder of said net profits by dividends proportioned upon the amount of business transacted with said association and proportioned upon the

Stock holding limited.

Preferred stock.

Limitation of voting.

Preferred stock may be redeemed.

Transfer limitations.

Retirement of stock.

May reissue redeemed stock.

Amendments.

Apportionment of net earnings.

Reserve fund.

Dividend
limitation.

wages and salaries of employees: *Provided*, That no dividend shall be paid out or declared on any business transacted with the association by any person, persons, firm or corporation engaged in the buying, selling, or handling of agricultural products for profit or to any sale to said association by any person or persons, firm or corporation engaged as a wholesaler or jobber in the distribution of manufactured products. Dividends remaining uncalled for six months after the same have been declared shall revert to the association.

Passed the House February 25, 1943.

Passed the Senate March 4, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 100.

[H. B. 188.]

SEWERS.

AN ACT relating to sewers in cities and towns; and making it unlawful and prescribing penalties for making or maintaining connections therewith without permission of the city or town.

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

Permission
to connect.

SECTION 1. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any sewer of any city or town, or with any sewer which is connected directly or indirectly with any sewer of any city or town without having permission to make or maintain such connection from the city or town.

Passed the House February 16, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 101.

[H. B. 200.]

COUNTY FAIRS.

AN ACT relating to county fairs and amending section 2, chapter 83, Laws of 1923 (section 2753½ of Remington's Revised Statutes).

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

SECTION 1. Section 2 of chapter 83, Laws of 1923 Amendments.
(section 2753½, Remington's Revised Statutes) is amended to read as follows:

Section 2. The Board of County Commissioners Expenditure
authorized.
of any county is hereby authorized to expend a sum not exceeding \$10,000.00 in any one year, to be used only for the purpose of acquiring necessary grounds for said county fair, the construction of buildings thereon, the improvement of the same, and premiums.

Passed the House February 12, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 102.

[H. B. 322.]

INTOXICATING LIQUOR.

AN ACT relating to intoxicating liquor, providing for the control and regulation thereof, and amending section 79, chapter 62, Laws of 1933, Extraordinary Session (section 7306-79, Remington's Revised Statutes).

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

Amendments. SECTION 1. Section 79, chapter 62, Laws of 1933, Extraordinary Session (section 7306-79, Remington's Revised Statutes), is amended to read as follows:

Board may make rules. SECTION 79. 1. For the purpose of carrying into effect the provisions of this Act according to their true intent or of supplying any deficiency therein, the Board may make such regulations not inconsistent with the spirit of this Act as are deemed necessary or advisable. All regulations so made shall be a public record and filed in the office of the Secretary of State, together with a copy of this Act, shall forthwith be published in pamphlets, which pamphlets shall be distributed free at all liquor stores and as otherwise directed by the Board, and thereupon shall have the same force and effect as if incorporated in this act.

Rules have force of law.

Regulations extend to— 2. Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the Board to make regulations in the manner set out in that subsection shall extend to

Stores and warehouses.

a. regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the Board;

Duties of employees.

b. prescribing the duties of the employees of the Board, and regulating their conduct in the discharge of their duties;

- c. governing the purchase of liquor by the State and the furnishing of liquor to stores established under this Act; Liquor purchaser.
- d. determining the classes, varieties, and brands of liquor to be kept for sale at any store; Classes and brands.
- e. prescribing, subject to section 11, the hours during which the state liquor stores shall be kept open for the sale of liquor; Hours of operation.
- f. providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this act; Price lists.
- g. prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this act, including the prescribing of different official seals or different official labels for different classes of liquor; Seal and labels.
- h. providing for the payment by the Board in whole or in part of the carrying charges on liquor shipped by freight or express; Transport costs.
- i. prescribing forms to be used for purposes of this Act or the regulations, and the terms and conditions to be contained in permits and licenses issued under this Act; Conditions of license.
- j. prescribing the fees payable in respect of permits and licenses issued under this Act for which no fees are prescribed in this Act, and prescribing the fees for anything done or permitted to be done under the regulations; Prescribing fees.
- k. prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the Board; Conditions of special permits.

Sales by
licensees.

l. regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

Records of
licensees.

m. prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

Prescriptions.

n. prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

Manner
of notice.

o. prescribing the manner of giving and serving notices required by this Act or the regulations, where not otherwise provided for in this Act;

Handling
for export.

p. regulating premises in which liquor is kept for export from the State, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the Board, and providing for the inspection of the premises and the books, records and the liquor so kept.

Operation
of licensed
clubs.

q. prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

Beer and
wine
licenses.

r. prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

Transport
and delivery
of liquor.

s. specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the State; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the State;

Brewery
sales records.

t. providing for the making of returns by brewers of their sales of beer shipped within the State, or from the State, showing the gross amount of such

sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

u. providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

Beer wholesalers.

v. providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the State, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

Other liquor manufacturers.

w. providing for the giving of fidelity bonds by any or all of the employees of the Board: *Provided*, That the premiums therefor shall be paid by the Board;

Bonding of employees.

x. providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this act, prohibited the sale of liquor therein;

Shipment to dry areas.

y. prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the Board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

Standards of manufacture.

Research studies.

z. seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this State which do not conform in all respects to the standards prescribed by this act or the regulations of the Board: *Provided*, Nothing herein contained shall be construed as authorizing the Liquor Board to prescribe, alter, limit or in any way

Enforce standards.

change the present law as to the quantity or per-

Limitation.

centage of alcohol used in the manufacturing of wine or other alcoholic beverages.

Passed the House February 25, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 103.

[H. B. 419.]

SALE OF CERTAIN PROPERTY OF STATE COLLEGE OF WASHINGTON.

AN ACT relating to the State College of Washington and authorizing the sale of certain property on the Campus thereof to the United States of America.

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

Sale
authorized.

SECTION 1. In order to enable the establishment in this state of a light metals experimental laboratory by the Federal Government on the Campus of the State College of Washington, at Pullman, authority is hereby granted to the Regents of said College to sell to the United States of America the new Engineering Laboratories Building and the site upon which it stands on said Campus at private sale and at such price as may be agreed upon by the Regents of said College.

Governor
to sign deed.

SEC. 2. The conveyance of said property shall be evidenced by a deed thereof signed by the Governor and attested by the Secretary of State.

Money to
general fund.

SEC. 3. The money derived from said sale shall be immediately transmitted to the State Treasurer to be deposited to the credit of the General Fund.

Passed the House March 6, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 104.

[S. B. 49.]

MOTOR VEHICLES. COMMON CARRIERS. FEES.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, and the payment of fees; and amending section 28 of chapter 184, Laws of 1935, as amended by section 20 of chapter 166, Laws of 1937 (section 6382-28 of Remington's Revised Statutes).

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

SECTION 1. Section 28 of chapter 184, Laws of 1935, as amended by section 20 of chapter 166, Laws of 1937 (section 6382-28, Remington's Revised Statutes), is amended to read as follows: Amendment.

Section 28. In addition to all other fees to be paid by them every "common carrier" and "contract carrier" shall pay to the Department each year at the time of, in connection with, and before receiving his identification plate, for each motor truck, trailer or semi-trailer 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: Carrier 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		

Fee schedule.

Disposition
of fees.

All fees collected under this section or under any other provision of this Act shall be paid to the Department and shall be by it transmitted to the state treasury within thirty days to the credit of the public service revolving fund.

Passed the Senate February 23, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 105.

[S. B. 55.]

APPOINTMENT OF CLERKS FOR JUSTICES OF THE PEACE AND POLICE JUDGES.

AN ACT relating to the appointment of clerks and clerical assistants to Police Justices or Police Judges, designated as Municipal Judges in cities of over three hundred thousand (300,000) population.

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

Appointment
of clerks.

SECTION 1. The Police Justice or Police Judge, designated as Municipal Judge of any city of more than three hundred thousand (300,000) population may appoint a chief clerk, and when authorized so to do by ordinance of such city, may appoint additional clerks and clerical assistants, to assist such Municipal Judge in clerical work incidental to the performance of his duties. Such clerks and clerical assistants shall be appointed subject to any civil service laws and regulations of such city. Any such clerks and clerical assistants heretofore appointed and employed in such capacity for more than six (6) months last past, who are citizens of the United States and residents of such city who shall pass qualifying civil service examinations, shall be considered quali-

Subject to
civil service.

fied for their respective positions without further civil service examination.

Passed the Senate February 18, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 106.

[S. B. 57.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to Fire Protection Districts and amending section 39, chapter 34, Laws of 1939 as amended by section 5, chapter 70, Laws of 1941 (section 5654-139 Rem. Supp. 1941).

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

SECTION 1. Section 39, chapter 34, Laws of 1939 as amended by section 5, chapter 70, Laws of 1941 (section 5654-139, Rem. Supp. 1941) is amended to read as follows: Amendments.

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

Passed the Senate February 10, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 107.

[S. B. 64.]

FOOD FISH AND SHELL FISH.

AN ACT relating to food fishes and shellfishes, specifying the point of landing; defining offenses and providing penalties.

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

Landing
specified.

SECTION 1. All food fishes or shellfishes taken for commercial purposes in waters over which the State of Washington has exclusive jurisdiction shall be landed in the State of Washington. Any person who shall have taken any food fish or shellfish within the waters over which the State of Washington has exclusive jurisdiction who shall fail to land such food fish or shellfish in the State of Washington shall be guilty of a gross misdemeanor.

Penalty for
violation.

Passed the Senate March 8, 1943.

Passed the House March 7, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 108.

[S. B. 76.]

PROFESSIONAL AND OCCUPATIONAL LICENSES.

AN ACT relating to the licensing of persons by the Director of Licenses to engage in professions and occupations and providing that licenses to such persons in the armed forces and the merchant marine of the United States shall continue in effect without renewal during war service and for six months thereafter.

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

Licenses
continued
during war
service.

SECTION 1. Notwithstanding any provision of law to the contrary, the license of any person licensed by the Director of Licenses to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces and the merchant marine of the United

States, shall continue in full force and effect so long as such service continues, unless the same is sooner suspended, cancelled or revoked for cause as provided by law. The Director of Licenses shall renew the license of every such person who applies for renewal thereof within six (6) months after being honorably discharged from the armed forces of the United States upon payment of the renewal fee applicable to the then current year or other license period. Renewal
after
return.

Passed the Senate March 8, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 109.

[S. B. 79.]

LEGISLATION BY CONGRESS IN CERTAIN AREAS.

AN ACT repealing section 4, chapter 227, Laws of 1941 (section 4026-1d, Remington's Revised Statutes) which consented to the exercise by the Congress of the United States of exclusive legislation in certain areas, and providing when this act shall take effect.

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

SECTION 1. That section 4, chapter 227, Laws of 1941 (section 4026-1d, Remington's Revised Statutes) be and the same is hereby repealed. Repeal.

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

Passed the Senate February 9, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 110.

[S. B. 04.]

USE FUEL TAX.

AN ACT relating to the "Use Fuel Tax," amending sections 6 and 7, chapter 127, Laws of 1941 and declaring an emergency.

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

Amendments. SECTION 1. That section 6, chapter 127, Laws of 1941 be amended to read as follows:

Excise tax, when due. SECTION 6. The excise tax imposed hereunder with respect to the use of fuel during any calendar month shall be due and payable on or before the twentieth day of the immediately succeeding calendar month.

Amendments. SEC. 2. That section 7, chapter 127, Laws of 1941 be amended to read as follows:

Reports, when due. SECTION 7. Each user shall on or before the twentieth day of the month following the effective date of this Act, and on or before the twentieth day of each and every month thereafter, file with the Director of Licenses a report showing the amount of fuel used during the immediately preceding calendar month by such user and such other information as the Director may require for the purposes of this Act. Such reports shall be made under oath on forms prescribed, prepared and furnished by the Director of Licenses. Each such report shall be accompanied by a remittance payable to the Treasurer of the State of Washington for the amount of tax due and payable hereunder.

Effective immediately. SEC. 3. This Act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 11, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 111.

[S. B. 98.]

CRIME OF INCEST.

AN ACT relating to the crime of incest; and amending section 203, chapter 249, Laws of 1909 (section 2455, Remington's Revised Statutes).

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

SECTION 1. Section 203, chapter 249, Laws of 1909 (section 2455, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 203. Sexual intercourse between any male and female persons, nearer of kin to each other than second cousins, computing by the rules of the civil law, shall constitute the crime of incest and shall be punished as follows: Incest defined.

(1) When such act is committed by any male or female person upon a child under the age of ten (10) years, such male or female person shall be guilty of incest and be punished by imprisonment in the state penitentiary for life; Penalties.

(2) When such act is committed by any male or female person upon a child of ten (10) years and under fifteen (15) years of age, such male or female person shall be guilty of incest and be punished by imprisonment in the state penitentiary for not more than twenty (20) years;

(3) When such an act is committed by any male or female person upon a child of fifteen (15) years of age and under eighteen (18) years of age, such male or female person shall be guilty of incest and be punished by imprisonment in the state penitentiary for not more than fifteen (15) years;

(4) When such act is committed by persons eighteen (18) years of age or more, such persons shall both be guilty of incest and be punished by

imprisonment in the state penitentiary for not more than ten (10) years.

Passed the Senate February 4, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 112.

[S. B. 00.]

CARNAL KNOWLEDGE OF CHILDREN.

AN ACT relating to the crime of carnal knowledge of children; and amending section 184, chapter 249, Laws of 1909, as amended by section 1, chapter 132, Laws of 1919, and section 1, chapter 74, Laws of 1937 (section 2436, Remington's Revised Statutes).

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

Amendments. SECTION 1. Section 184, chapter 249, Laws of 1909, as amended by section 1, chapter 132, Laws of 1919, and section 1, chapter 74, Laws of 1937 (section 2436, Remington's Revised Statutes), is amended to read as follows:

Carnal knowledge defined.

Section 184. Every male person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, and every female person who shall have sexual intercourse with any male child under the age of eighteen years, not her husband, shall be punished as follows:

Penalties.

(1) When such an act is committed upon a child under the age of ten (10) years, by imprisonment in the state penitentiary for life;

(2) When such an act is committed upon a child of ten (10) years and under fifteen (15) years of age, by imprisonment in the state penitentiary for not more than twenty years;

(3) When such act is committed upon a child of fifteen (15) years of age and under eighteen (18) years of age, by imprisonment in the state penitentiary for not more than fifteen (15) years.

Passed the Senate February 4, 1943.

Passed the House March 6, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 113.

[S. B. 114.]

DESCENT AND DISTRIBUTION.

AN ACT providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

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

SECTION 1. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this act.

Distribute as though each survived.

Exception.

SEC. 2. Where two or more beneficiaries are designated to take successively or alternately by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive or alternate beneficiaries and the portion allocated to each beneficiary shall be distributed as if he had survived all the other beneficiaries.

Division according to number of beneficiaries.

SEC. 3. Where there is no sufficient evidence that two joint tenants have died otherwise than simul-

Joint tenants.

Distribute
as though
each
survived.

taneously, the property so held shall be distributed one-half as if one had survived, and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died, the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Insurance
distribution.

SEC. 4. Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Act not
retroactive.

SEC. 5. This act shall not apply to the distribution of the property of a person who has died before it takes effect.

Exceptions.

SEC. 6. This act shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this Act.

Uniform
interpre-
tation.

SEC. 7. This Act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

Validity
section.

SEC. 8. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Passed the Senate February 20, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 114.

[S. B. 115.]

INVESTMENT OF FUNDS HELD BY TRUST COMPANIES.

AN ACT relating to and regulating investment of funds held in trust by corporations doing a trust business, authorizing investment in direct and general obligations of the United States, and authorizing investment in certain obligations of railroad corporations, amending section 2 of chapter 41, of the Laws of 1941 (section 3255-2 of Remington's Revised Statutes), and amending chapter 41 of the Laws of 1941 (sections 3255-1 to 3255-19 inclusive, of Remington's Revised Statutes) by adding thereto a new section to be designated as section 7a (section 3255-7a of Remington's Revised Statutes).

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

SECTION 1. Section 2 of chapter 41 of the Laws of 1941 (section 3255-2 of Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 2. Trust funds may be invested in: Trust fund investments.

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

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

SEC. 2. Chapter 41 of the Laws of 1941 is amended by adding thereto a new section to be designated as section 7a (section 3255-7a of Remington's Revised Statutes). Amendment by adding new section.

ignated section 7a (section 3255-7a of Remington's Revised Statutes), to read as follows:

Railroad obligations not ineligible in certain cases.

Section 7a. The obligations of any railroad corporation which has failed to earn its fixed charges as required by section 7 of this Act in any or all of the fiscal years beginning in the years nineteen hundred thirty-one to nineteen hundred thirty-nine, inclusive, shall not be made ineligible for investment by reason thereof: *Provided*, The income of such railroad corporation available for fixed charges as defined in section 7 of this Act has been at least equal to such fixed charges in each year for at least five of the six fiscal years and in the last fiscal year next preceding the time of investing therein.

Proviso.

Passed the Senate February 9, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 115.

[S. B. 203.]

HIGHWAYS.

AN ACT relating to highways; prescribing the duties of certain officers; making appropriations; amending section 2, chapter 181, Laws of 1939 (section 6600-1d, Remington's Revised Statutes, Supplement, Volume 7A); amending section 5, chapter 65, Laws of 1933 (section 9992-39, Remington's Revised Statutes, Supplement); and declaring that this act shall take effect April 1, 1943.

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

Appropriation from M. V. fund.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund the sum of one million ninety-two thousand dollars (\$1,092,000); said appropriation is to be made from the net tax amount in the Motor Vehicle Fund and is to be over and above the pro rata distribution from said fund to

Additional to pro rata,

the counties hereinafter set forth; said appropriation to be distributed and divided among the following respective counties:

Clark County	\$122,000.00;	Distribution.
Douglas County	40,000.00;	
Ferry County	20,000.00;	
Grant County	50,000.00;	
King County	300,000.00;	
Kitsap County	130,000.00;	
Okanogan County	70,000.00;	
Pierce County	50,000.00;	
Snohomish County	40,000.00;	
Spokane County	240,000.00;	
Thurston County	30,000.00.	

Any sums paid to any county as provided for in this section shall be expended and used solely for proper roadway purposes. Each County Treasurer shall forthwith upon receipt of such money place the same to the credit of the County Road Fund.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund the sum of one million eight thousand dollars (\$1,008,000); said appropriation is to be made from the net tax amount in the Motor Vehicle Fund and is over and above the pro rata distribution from said fund to counties; said appropriation to be paid to the several counties of the state in the percentages as described in sub-division (c), section 5, chapter 181, Laws of 1939 (section 6600-2a, Remington's Revised Statutes, Supplement, Volume 7A). Any sums paid to any county as provided for in this section shall be expended and used solely for proper roadway purposes. Each County Treasurer shall forthwith, upon the receipt of such money place the same to the credit of the County Road Fund.

SEC. 3. Section 2, chapter 181, Laws of 1939 (section 6600-1d, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows:

Section 2. All moneys which have accrued or may accrue to the Motor Vehicle Fund from the

motor vehicle fuel tax shall be first expended for the following purposes:

Refunds.

(a) For payment of refunds of motor vehicle fuel tax which has been paid and is refundable as provided by law;

Administra-
tion.

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of State Treasurer, State Auditor and the Department of Licenses of the State of Washington in the administration of the motor vehicle fuel tax, said sums to be distributed monthly.

Remainder
"net tax
amount."

The amount accruing to the Motor Vehicle Fund by virtue of the motor vehicle fuel tax and remaining after payments as provided in sub-sections (a) and (b) above shall, for the purposes of this act, be referred to as the "net tax amount."

Amendments.

SEC. 4. Section 5, chapter 65, Laws of 1933 (section 9992-39, Remington's Revised Statutes, Supplement), is amended to read as follows:

Retirement
fund created.

Section 5. Retirement fund—Appropriation.— There is hereby created in the state treasury a sinking fund for the payment of the principal of, and interest upon, said bonds as the same shall fall due, to be designated the "General Obligation Bonds of 1933 Retirement Fund." The "General Obligations Bonds of 1933 Retirement Fund" shall be used only for the purpose of retiring and paying interest upon the bonds issued under the provisions of this act, and no part or portion thereof shall be diverted to any other purpose. In the event that the monies credited to the "General Obligation Bonds of 1933 Retirement Fund" for any reason, prove insufficient in any year to meet the requirements of said "General Obligation Bonds of 1933 Retirement Fund" it shall be the duty of the State Board of Equalization and/or the proper state officers authorized by law to fix tax levies for state purposes, to levy a property tax for said "General Obligation Bonds of 1933 Retirement Fund" in such amount only as shall be

Purpose
of fund.

Deficiency
provision.

Levy tax on
property.

necessary to make up the deficiency. Not less than a week prior to the convening of the State Board of Equalization for the purpose of fixing state levies the State Treasurer shall furnish to the board a detailed statement showing the requirements of the "General Obligation Bonds of 1933 Retirement Fund" in the way of bond retirement and interest for the next ensuing fiscal year. For the biennium ending March 31, 1935, there is hereby appropriated from the "General Obligation Bonds of 1933 Retirement Fund" the sum of \$1,500,000 or so much thereof as may be necessary to pay the interest upon the bonds issued under the provisions of this act and to retire any of said bonds maturing on or before March 31, 1935. In the event that this act for any reason should be adjudged invalid or unconstitutional by the Supreme Court of this state any monies in the "General Obligation Bonds of 1933 Retirement Fund" which have been credited thereto from the Motor Vehicle Fund under the provisions of this section shall automatically revert to the Motor Vehicle Fund.

Treasurer
to furnish
statement.

Appropriation.

Constitutionality clause.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Effective
April 1, 1943.

Passed the Senate March 4, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 17, 1943.

CHAPTER 116.

[H. B. 97.]

JUNIOR COLLEGE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to public junior college employees retirement system, including all such employees in the Washington State Teachers' Retirement System, with all the rights and benefits now open to other public school employees.

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

Teachers' retirement act extended.

SECTION 1. The provisions of the Washington State Teachers' Retirement System as established by chapter 221, Laws of 1937, and amendments thereto, are hereby extended to include all employees of public junior colleges organized and established under the provisions of chapter 146, Laws of 1941. All such employees shall become members of the Washington State Teachers' Retirement System on the effective date of this act and shall have until July 1, 1943, to file with the Board of Trustees of the Washington State Teachers' Retirement System a declaration of exemption from such membership: *Provided*, That non-certificated employees may file such a declaration within the first year of their membership.

Junior college employees become members.

Proviso.

Prior service credit.

Employees of public junior colleges shall be entitled to prior service credit upon the same basis as other public school employees, and before such a member shall be entitled to retire on a retirement allowance he shall comply with the same provisions as are required of public school employees.

Passed the House February 11, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 17, 1943.

CHAPTER 117.

[H. B. 86.]

REFRIGERATED LOCKERS.

AN ACT to provide for the regulation of the operation of refrigerated lockers and the dealing in, handling and processing of food for human consumption in connection therewith; to provide standards of sanitation and quality; to provide a system of licenses; defining certain offenses and providing penalties therefor; and providing for lien and foreclosure; providing a saving clause; and declaring an emergency.

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

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It hereby is found and declared that the public welfare requires control and regulation of the operation of refrigerated lockers and of the sale, handling and processing of articles of human food in connection therewith, and the control, inspection and regulation of persons engaged therein, in order to prevent or eliminate unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with the refrigerated locker business, which practices and conditions endanger public health, defraud customers, jeopardize the public source of supply and storage facilities of essential food products, and adversely affect an important and growing industry. It is further found and declared that the regulation of the refrigerated locker business, as above outlined, is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

Declaration
of purpose.

SEC. 2. *Definitions.* Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

Definition.

(a) "Refrigerated locker" or "locker" means any

place, premises or establishment where facilities for the cold storage and preservation of human food in separate and individual compartments are offered to the public upon a rental or other basis providing compensation to the person offering such services.

(b) "Person" includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaging in the business of operating or owning or offering the services of refrigerated lockers as above defined.

Director of
Agriculture
to license.

SEC. 3. No person hereafter shall engage within this state in the business of owning, operating or offering the services of any refrigerated locker or lockers without having obtained from the Director of Agriculture a license for each such place of business. Application for such license shall be made in writing and under oath to the Director of Agriculture, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth.

Written
application.

Annual fee.

SEC. 4. (a) The Director of Agriculture shall collect with each application for a refrigerated license, or renewal of such license, an annual fee not to exceed ten dollars (\$10) or as much thereof as is deemed necessary, and the funds therefrom shall be disbursed by the Director of Agriculture for the enforcement of the act: *Provided, however,* That funds disbursed for enforcement of the act shall in no case exceed funds derived from license fees thereunder.

Disburse-
ment.

Proviso.

Expiration
date.

(b) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the Director of Agriculture the old license certificate and paying the required annual license fee. Such license fee shall

not be transferrable to any person nor be applicable to any location other than that for which originally issued.

License not transferable.

SEC. 5. (a) The Director of Agriculture may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provision of this act or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the Department of Agriculture, or (2) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the Director of Agriculture of written notice to do so.

Director may cancel:

For violation of act or rules;

For failure to remedy unsanitary conditions.

(b) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice.

Written notice.

(c) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the Superior Court of the county in which the licensed premises are located, within ten (10) days from the date notice in writing of the director's order revoking or suspending such license has been served upon him.

Order reviewable.

SEC. 6. (a) No person afflicted with any contagious or infectious disease shall work or be permitted to work in or about any refrigerated locker, nor in the handling, dealing nor processing of any human food in connection therewith.

Employment of diseased persons not permitted.

(b) No person shall work or be permitted to work in or about any refrigerated locker in the handling, processing or dealing in any human food

Health certificates for employees.

Maximum
fee.

Six months'
period.

Health
certificate
may be
revoked.

Director to
make rules.

Periodical
inspection.

or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars (\$2) which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this act.

(c) Any such certificate shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in such premises to submit to proper and reasonable physical examination upon written demand by the State Board of Health or of the Director of Agriculture shall be cause for revocation of that person's health certificate.

SEC. 7. The Director of Agriculture is hereby empowered to prescribe and to enforce such rules and regulations and to make such definitions, and to prescribe such procedure with regard to hearings, as he may deem necessary to carry into effect the full intent and meaning of this act.

SEC. 8. The Director of Agriculture shall cause to be made periodically a thorough inspection of each establishment licensed under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable to the operation either of refrig-

erated lockers or of the handling of human food in connection therewith, and of all regulations effective under this act relative to such operation. Such inspection shall also be made of each vehicle used by operator of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

Vehicles
to be
inspected.

SEC. 9. Every operator of a refrigerated locker plant shall provide a complete refrigeration system with adequate capacity and accurate and reliable controls for the maintenance of the following uniform temperatures of the various refrigerated rooms if provided, under extreme conditions of outside temperatures and under peak load conditions in the normal operation of the plant. The temperatures of the following rooms shall not exceed:

Uniform
temperatures
for:

(a) Chill room, temperatures within two (2) degrees (Fahrenheit) plus or minus of thirty-five (35) degrees (Fahrenheit) with a tolerance of ten (10) degrees (Fahrenheit) after fresh food is put in for chilling;

Chill room;

(b) Sharp freeze room, sharp freeze compartments, temperatures of minus ten (-10) degrees (Fahrenheit) or lower, or temperatures of zero (0) degrees (Fahrenheit) or lower when forced air circulation is employed, with a tolerance of ten (10) degrees (Fahrenheit) for either type of installation after fresh food is put in for freezing;

Sharp freeze
room;

(c) Locker room temperatures of zero (0) degrees (Fahrenheit) with a tolerance of twelve (12) degrees (Fahrenheit) plus.

Locker room.

SEC. 10. In any proceeding under this act the Director of Agriculture may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State of Washington.

Powers of
Director in
hearings.

Penalties
for
violation.

SEC. 11. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100) for the first offense, and not less than two hundred dollars (\$200) for the second and for each and every subsequent offense, and each day that any violation continues shall constitute a separate offense.

Liability
limited.

SEC. 12. The liability of the owner or operator of refrigerated lockers for loss of goods in lockers or in operator's care shall be limited to negligence of operation or of employees.

Lien for
locker
rental.

SEC. 13. Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be foreclosed under the procedure as provided for chattel mortgages.

Owner not
liable for
law viola-
tions of
renters.

(a) Locker owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator.

Operators
not ware-
housemen.

SEC. 14. Persons who own or operate refrigerated locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

License fee
inclusive.

SEC. 15. Payment of the license fee stipulated herein shall be accepted in lieu of any and all existing fees and charges for like purposes or intent which may be existent prior to the adoption of this act.

Validity
section.

SEC. 16. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree

shall not affect, impair nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

Effective immediately.

Passed the House March 1, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 17, 1943.

CHAPTER 118.

[H. B. 218.]

REAL ESTATE BROKERS AND SALESMEN.

AN ACT relating to real estate brokers and real estate salesmen and amending sections 2, 11, 17, 18, 19, 24 and 26, chapter 252, Laws of 1941 (sections 8340-25, 8340-34, 8340-40, 8340-41, 8340-42, 8340-47 and 8340-49, Rem. Supp. 1941), providing for additional supervision.

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

SECTION 1. That section 2, chapter 252, Laws of 1941 (section 8340-25, Rem. Supp. 1941), is hereby amended to read as follows:

Amendments.

Section 2. For the purposes of this act, words and phrases shall have the following meaning, unless another meaning is apparent from the context:

Definitions:

(1) A "real estate broker" is a person whose business policies and acts are free from the direction, control or management of another person, who for a compensation or promise thereof, or with intent to collect or receive a compensation or promise thereof,

Real estate broker.

performs one or more acts of selling or offering for sale, buying or offering to buy, negotiating or offering to negotiate, either directly or indirectly, the auction, purchase, sale, exchange, lease or rental of real estate or interest therein for another person, or who shall advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged, or who takes any part in or directs or assists in the procuring of prospects or in the negotiation or closing of any transaction, which does, or is calculated to result in any of the acts above set forth, and hereinafter referred to as a broker.

Real estate
salesman.

(2) A "real estate salesman" or "salesman" is any person, other than a corporation, copartnership or unincorporated association, who represents a real estate broker in the performance of any of the acts above set forth.

Person.

(3) The word "person" as used in this act, shall be construed to mean and include a corporation, copartnership or unincorporated association, except where otherwise restricted.

Director.

(4) The word "Director" means the Real Estate Director as defined in this act.

SEC. 2. That section 11, chapter 252, Laws of 1941 (section 8340-34, Rem. Supp. 1941), is hereby amended to read as follows:

Application
for license.

Section 11. Any person desiring to carry on the business or act in the capacity of a real estate broker or real estate salesman shall make application to the Director for license therefor upon a form to be prescribed and furnished by the Director giving his full name and business address. With this application to the Director, the applicant shall:

Form.

Fees.

Proviso.

(a) Pay a license fee of five dollars (\$5) to the State Treasurer: *Provided, however,* That if an application for renewal license is not received by the Director on or before January 1st of each year, the license fee for a renewal license shall be ten dollars

(\$10), if such application is received by the Director by December 31st of the current license year: *Provided, further*, That acceptance by the Director of any application for renewal after January 1st shall not be construed as a waiver of any right created by or duties, obligations, requirements or penalties imposed under this act. The State Treasurer shall upon the receipt of any money from the Director transmit his duplicate receipt therefor to the Director;

Proviso.

Not a waiver.

(b) Deliver to the Director a bond to the State of Washington in a form approved by the Director in the sum of one thousand dollars (\$1,000) executed by a surety company duly authorized to do business in this state, or by two good and sufficient sureties, not connected in business with the applicant, and to be approved by the Director guaranteeing the faithful accounting of all funds entrusted to such real estate broker or real estate salesman;

Bond.

Conditions.

(c) A recommendation, signed by at least ten (10) freeholders of the county in which the applicant intends to carry on his principal business as a real estate broker or real estate salesman, certifying that they are each acquainted with the applicant and that they each believe the applicant to be honest, truthful, and of good moral character;

Recommendation.

Contents.

(d) If the applicant is a corporation, a list of its officers and directors and their addresses, and if the applicant is a copartnership, or unincorporated association, then a list of the members of said copartnership or association and their addresses; and

Corporation application.

(e) If the applicant is a non-resident of this state, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff having a cause of action or suit against him may reside, and that service of any process or pleadings in said action, or suit may be made by delivering same to the Director. Such service, when so made, shall be held in all courts, as valid and binding upon the applicant

Non-resident.

Service on Director.

Form of consent.

who files such irrevocable consent. Said irrevocable consent shall be in a form prescribed by the Director, shall be acknowledged before a notary public and, if the applicant be a corporation, said consent shall be accompanied by a duly certified copy of the resolutions of the Boards of Directors of such corporation authorizing the execution of the same. Any process or pleading herein mentioned and so served upon the Director shall be served in duplicate copies, one of which shall be filed in the office of the Director and the other immediately forwarded by registered mail to the office of the applicant named in his application and service shall be deemed to have been made upon said applicant on the third (3d) day following the deposit in the mail of said copy of said process or pleadings;

Process.

Service on broker.

Other requirements.

The Director may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of a corporation or the members of a co-partnership or unincorporated association making such application before issuing a license: *Provided*, That if a real estate broker or real estate salesman has once been licensed under this act, upon his application for a renewal of his license for the ensuing year, the Director may, in his discretion, waive the filing of new recommendations or references. Every license issued under the provisions of this act shall expire on the thirty-first day of December of the year of its issue.

Proviso.
Renewal.

License expiration.

Amendments.

SEC. 3. That section 17, chapter 252, Laws of 1941 (section 8340-40, Rem. Supp. 1941), is hereby amended to read as follows:

Bonds filed with Director.

Section 17. All bonds given under the provisions of this act, after their approval by the Director, shall be filed in his office. Persons who may be damaged by the wrongful conversion of trust funds by such real estate broker or real estate salesman, shall, in addition to other legal remedies, have a right of

Bond liability.

action in their own name on such bond for all damages not exceeding one thousand dollars (\$1,000): *Provided, however,* That the aggregate liability of the surety upon the bond, required to be given by such real estate broker or real estate salesman as provided in section 11 for all claims which may arise under this bond, shall not exceed the sum specified herein.

Liability limited.

SEC. 4. That section 18, chapter 252, Laws of 1941 (section 8340-41, Rem. Supp. 1941), is hereby amended to read as follows:

Amendments.

Section 18. Each person licensed as a real estate broker under the provisions of this act shall be required to have and maintain a definite place of business in this state, which shall serve as his office for the transaction of business. The license of said real estate broker shall be prominently displayed in his said office. When a broker changes his business address, his license shall cease to be in force. Notice in writing shall be given the Director of any change by the real estate broker of his business location, whereupon the Director, upon the surrender of the original license and the payment of one dollar (\$1), shall issue a new license for the unexpired term covering the new business address, if such broker is otherwise entitled thereto.

Place of business required.

License displayed.

License limited to location.

Notice of change of address.

Renewal fee.

SEC. 5. That section 19, chapter 252, Laws of 1941 (section 8340-42, Rem. Supp. 1941), is hereby amended to read as follows:

Amendments.

Section 19. The Director may, upon his own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker or real estate salesman and shall have the power to temporarily suspend or permanently revoke any license issued within the provisions of this act at time when the holder thereof is guilty of:

Director to investigate licensees.

Power to revoke.

Grounds for
revocation.

(a) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the Director;

(b) Violating any of the provisions of this act or any lawful rules or regulations made by the Director pursuant thereto;

(c) A crime against the laws of this, or any other state, or government, involving moral turpitude or dishonest dealings;

(d) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act to his damage or injury, where such statements, descriptions or promises purport to be made, or to be performed by, either the licensee or his principal, if the licensee then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of said statements, descriptions or promises;

(e) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device, whereby any other person lawfully relying upon the word, representation or conduct of the licensee shall act to his injury or damage;

(f) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked, or during a suspension thereof;

(g) Converting any money, contract, deed, note, mortgage, or abstract or other evidence of title to his own use, or to the use of his principal or any other person, when delivered to him in trust or on condition, before the happening of the condition, or in violation of the trust; and a failure to return such money, contract, deed, note, mortgage, or abstract or other evidence of title within thirty days after the owner thereof shall be entitled thereto, and shall

make demand therefor, shall be *prima facie* evidence of such conversion; Grounds for revocation.

(h) Failing or refusing upon demand to disclose any information within his knowledge, or to produce any document, book or record in his possession for inspection to the Director or his authorized representatives, when acting within the jurisdiction or by authority of law;

(i) Continuing to sell any real estate, or operating according to a plan of selling, by reason of which the interests of the public are endangered, but only after the Director has, by order in writing, enumerated objections thereto;

(j) Committing any act of the same or different character from that hereinbefore enumerated which constitutes fraudulent or dishonest dealing.

SEC. 6. That section 24, chapter 252, Laws of 1941 (section 8340-47, Rem. Supp. 1941), is hereby amended to read as follows: Amendments.

Section 24. It shall be unlawful for any licensed broker to pay any part or share of a commission or other compensation received in the capacity of a real estate broker to any person who is not a licensed real estate broker, or to a real estate salesman not licensed to do business for such broker, or for any licensed salesman to pay any part or share of a commission or other compensation received in the capacity of a real estate salesman to any person whether licensed or not, except through his broker. Not to split fees with unlicensed person.
Salesmen not to split fees.

SEC. 7. That section 26, chapter 252, Laws of 1941 (section 8340-49, Rem. Supp. 1941), is hereby amended to read as follows: Amendments.

Section 26. When any real estate salesman shall cease to represent his broker his license shall cease to be in force. Notice of such termination shall be given by the broker to the Director and upon application of the salesman and the surrender of the original license and the payment of one dollar (\$1), the Cessation of salesman's license.
Renewal.

Proviso.

Director shall issue a new license for the unexpired term, if such salesman is otherwise entitled thereto: *Provided, however,* That when any real estate salesman's services shall be terminated by his broker for a violation of any of the provisions of section 19 hereof, a written statement of the facts in reference thereto shall be filed forthwith with the Director by the broker.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 17, 1943.

CHAPTER 119.

[S. B. 199.]

RELIEF OF SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the relief of soldiers, sailors and marines of the disabled American veterans and their families; and making appropriation therefor.

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

Appropriation.

SECTION 1. There is hereby appropriated from the General Fund of the State of Washington the sum of five thousand dollars (\$5000) to be turned over to the Disabled American Veterans of the World War organization for the maintenance of the rehabilitation service to assist war veterans in the prosecution of their equitable claims for compensation on the basis of disabilities of service origin.

Use of funds limited.

SEC. 2. That no elective or appointed officer of said veterans' organization or department officer shall receive any compensation and that no financial aid shall be allowed for the operation of their de-

partment office. All funds herein appropriated must be expended for rehabilitation work only.

Passed the Senate February 20, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 120.

[S. B. 135.]

SCHOOLS FOR HANDICAPPED CHILDREN.

AN ACT establishing a division for handicapped children; providing special aid for the same; and making an appropriation therefor.

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

SECTION 1. There is hereby established in the office of the Superintendent of Public Instruction a division of special educational aid for handicapped children, to be known as the Division for Handicapped Children.

Division for handicapped children created.

SEC. 2. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

Definitions:

(a) "Handicapped children" shall be classified as those children of school age, in school and out of school, who are temporarily or permanently retarded in normal educational processes by reason of defective hearing, defective sight, defective speech, or by reason of other physical handicap.

Handicapped children;

(b) The "Superintendent of Public Instruction" shall mean the State Superintendent of Public Instruction, whenever used in this act.

Superintendent of Public Instruction.

(c) The term "Supervisor" shall mean the Supervisor appointed by the Superintendent of Public Instruction.

Supervisor.

Superintendent to appoint supervisor.

SEC. 3. The Superintendent of Public Instruction shall appoint a Supervisor and fix his salary. The Supervisor shall coordinate and supervise the program of special aid for handicapped children in the school districts of the State. He shall cooperate with County Superintendents of Schools and with school district officers and teachers in the conduct of the program and shall cooperate with the State Director of Health and with county health officers on cases where medical examination or attention is needed.

Duties of supervisor.

Districts to cooperate.

SEC. 4. 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 such special aid, with the approval of the Supervisor, and may pay their salaries and compensation out of their general fund budgets. Such expenditures may be partially or wholly reimbursed from funds appropriated under section 6 of this act under rules and regulations established by the Superintendent of Public Instruction.

Districts may acquire special equipment.

Employ special teachers.

May be reimbursed.

Home aid.

SEC. 5. Any child who is not able to attend school and who is eligible for special aid under this program may be given such aid at his home or other place determined by the Supervisor, and the school district within which such child resides shall be granted regular apportionments of state and county school funds for such days as such aid is given.

Attendance apportionment.

Appropriation.

SEC. 6. To carry out the purpose of this act, there is hereby appropriated from the State Current School Fund to the Superintendent of Public In-

struction the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, for special aid and educational facilities for handicapped children.

Passed the Senate February 10, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 121.

[S. B. 157.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to fire protection districts; and amending section 1, chapter 34, Laws of 1939, as amended by section 1, chapter 70, Laws of 1941 (section 5654-101, Rem. Supp. 1941).

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

SECTION 1. Section 1, chapter 34, Laws of 1939 as amended by section 1, chapter 70, Laws of 1941 (section 5654-101, Rem. Supp. 1941), is amended to read as follows: Amendments.

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

Passed the Senate February 18, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 122.

[S. B. 166.]

CORPORATION FEES.

AN ACT relating to corporation fees and amending section 13, chapter 134, Laws of 1907 (section 3900, Remington's Revised Statutes).

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

Amendments. SECTION 1. Section 13, chapter 134, Laws of 1907 (section 3900, Remington's Revised Statutes), is amended to read as follows:

Incorporation fees. Section 13. All corporations formed under the provisions of this chapter shall pay to the Secretary of State, the sum of twenty-five dollars (\$25) for filing the articles of incorporation and for the filing of any amendment of such articles shall pay the sum of ten dollars (\$10). For recording such articles of incorporation or any amendment thereto, the County Auditor shall charge the sum of fifteen cents (15¢) for each one hundred (100) words thereof, and fifteen cents (15c) for filing and indexing of the same.

Recording and indexing fees. Limitation. Corporations organized under this act shall not be subject to any corporation license fees excepting fees hereinabove enumerated.

Passed the Senate February 16, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 123.

[S. B. 170.]

SEEDING AND REFORESTATION OF STATE FORESTS.

AN ACT relating to the acquiring, seeding, reforestation and administration of lands for state forests; providing for the issuance and disposition of \$100,000 of utility bonds therefor; and amending section 1 of chapter 43 of the Laws of 1941 (section 5812-11 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 43 of the Laws of 1941 (section 5812-11 of Remington's Revised Statutes), be amended to read as follows:

Amendments.

Section 1. For the purpose of acquiring, seeding, reforestation and administering land for forests and of carrying out the provisions of chapter 154 of the Laws of 1923, the State Forest Board is authorized to issue and dispose of utility bonds of the State of Washington in an amount not to exceed one hundred thousand dollars (\$100,000) in principal during the biennium expiring March 31, 1945: *Provided, however,* That no sum in excess of one dollar (\$1) per acre shall ever be paid or allowed either in cash, bonds, or otherwise, for any lands suitable for forest growth, but devoid of such, nor shall any sum in excess of three dollars (\$3) per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Reforestation of state land.

May issue utility bonds.

Limitations.

Passed the Senate February 23, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 124.

[S. B. 188.]

PUBLIC PRINTING.

AN ACT relating to public printing and the compensation to be paid therefor, and amending section 6, chapter 168, Laws of 1905, as amended by section 3, chapter 129, Laws of 1917, section 1, chapter 37, Laws of 1919 and section 1, chapter 130, Laws of 1935 (sec. 10329, Rem. Rev. Stat.).

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

Amendment to. SECTION 1. That section 6, chapter 168, Laws of 1905, as amended by section 3, chapter 129, Laws of 1917, section 1, chapter 37, Laws of 1919 and section 1, chapter 130, Laws of 1935 (sec. 10329, Rem. Rev. Stat.) be amended to read as follows:

State printing on cost basis.

Section 6. For the purpose of providing for the compensation of the State Printing Plant, all printing, ruling, binding and other work done or supplies furnished for the various state departments, commissions, institutions, boards and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the State Printing Plant. In no event shall the price charged the various state departments, commissions, institutions, boards and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and such other work done or for supplies furnished by the State Printing Plant shall be certified and sworn to by the Public Printer. The public printing shall be divided into the following classes:

Classes of printing:

Legislative: FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed on half sheet cap paper, weighing not less than twelve pounds

to the ream of 14 x 17 inches in small pica type; each page to contain not more than forty-four lines of said matter of the usual length of forty pica ems, and the lines shall be successively numbered, with a nonpariel slug between each line; and the same shall be measured as solid matter at single price when lines are not underscored, and when more than five lines on any one page are underscored, at price and one-half; and every fraction of a page shall be measured as a full page, but no blank pages shall be counted or paid for.

SECOND CLASS. The second class shall consist of printing and binding of the journals of the Senate and House of Representatives, and the annual and biennial reports of the several state officers, state commissions, boards and institutions, with the exception of the reports of the Attorney General and the Governor's message to the Legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25 x 38 inches, and set in brevier, or what is known as eight point type, with a six to pica lead between each line, and without unnecessary blanks, broken pages or paragraphs. All communications, resolutions, reports of committees, messages and similar documents making up a part of said journals to be set in nonpareil or what is known as six point type, with a six to pica lead between each line. All tabular matter to be set in nonpariel or what is known as six point type; the type matter for a page to be $4\frac{1}{2}$ x $7\frac{1}{2}$ inches, which is to include all running heads and footnotes. All reports are to be 6 x 9 inches when trimmed. The general style of all reports are to be the same as those printed in 1918, and the general style of the journals of the House and Senate of the Session of 1917 shall be followed

Journals
and reports
of officers;

Exceptions.

in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permit of the Governor.

Other reports and pamphlets;

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the Legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission or institution ordering same, and which they think will best serve the purpose for which said work is intended.

Session Laws;

FOURTH CLASS. The fourth class shall consist of the Session Laws, and shall be printed and bound in the same style, size of page and form as the Session Laws published by this state heretofore, with similar marginal notes; the size of type to be eleven point for the laws or body of the book and six point for the marginal notes and index, and shall be printed on machine finish book paper weighing not less than 60 pounds to the ream of 25 x 38 inches.

Other printing.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery, blanks, record books and circulars, and all printing and binding required by the respective state officers, boards, commissions and institutions not covered by classes one, two, three and four.

Passed the Senate February 16, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 125.

[S. B. 111.]

METHOD OF VOTING FOR MEMBERS OF ARMED FORCES.

AN ACT relating to elections and providing a method of voting for members of the armed forces of the United States absent from their places of residence.

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

SECTION 1. Any person who shall be otherwise eligible to vote and who shall be absent from the place of his residence and serving in the armed forces of the United States may vote by absentee ballot as in this act provided. Such person shall make application to the registration office of his precinct, which application shall be subscribed and sworn to before any commissioned officer of any branch of the armed forces of the United States. Such application shall state the place of residence of such person prior to entering such military service, shall state that such person is eligible to vote at the election for which application to vote is made and that such person is prevented from registering and voting as required by the general election laws of this State because of his service in such armed forces. The registration officer shall thereupon prepare in duplicate a certificate for such person stating that he is a registered voter or that he has been prevented by reason of military service from registering as such voter, as the case may be, and which certificate shall state the place of residence of such person prior to the time of entering such military service. All certificates shall be executed and signed in duplicate, the registration officer retaining one in his permanent files for a period of six months after the date of such election. The registration officer shall send the other copy of such certificate to the County Auditor of the county in which such

Absentees in armed forces may vote.

Application under oath.

Officers may administer oaths.

Duty of registration officer.

Execute in duplicate.

Ballot shall be sent.

person resides, or to the City Clerk of the city in which such person resides, as the case may be. As early as possible after the printing of the ballots the County Auditor, if the election be a primary or general election, and the City Clerk, if it be a city primary or general city election, shall send a blank ballot for such election and shall also send a small envelop which shall not have any mark upon it which shall serve to identify it or the ballot within it with the voter, and shall also send a large envelop upon which shall be printed the name and post office address of the Auditor or City Clerk issuing the same, as the case may be, and have printed on the outside thereof a blank affidavit in substantially the following form:

Affidavit.

Form of affidavit.

State of }
 County of } ss.

I,, do solemnly swear that I am a resident of and qualified voter in precinct of city in County, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19....., and that I have herein enclosed my ballot for such election, duly marked as required by law in the presence of, a in and for County, State of.....

(Signed)

Voter.

Subscribed and sworn to before me this day of, 19

(Signature of Official)

(Official Title)

How voting shall be done.

Such person upon receiving the blank ballot and envelopes shall have the right thereupon to appear before any officer authorized by law to administer oaths or before any commissioned officer of the

armed forces of the United States and identify himself and thereupon mark such ballot. He shall then fold said ballot and enclose and seal the same in the smaller envelop and shall then enclose said smaller envelop in the large envelop and make, subscribe and swear to the affidavit printed on the large envelop before such officer and mail the same. Such marking of such ballot and mailing of such large envelop shall be had and done not later than the election day on which the election is held.

The County Auditor or City Clerk, as the case may be, upon receiving such absentee ballot shall file the same in his office and keep the same until the votes are canvassed as hereinafter provided. The County Auditor or the City Clerk, as the case may be, shall receive such large envelop and as nearly as possible follow the law and practice set forth for counting absentee ballots: *Provided, however,* That all ballots received by the County Auditor or City Clerk which are received prior to the time when the canvassing board finally completes its final canvass of the vote shall be counted as though such person had been present at the election and voted in person.

Ballot counting practice.

Proviso.

SEC. 2. The method of voting herein provided is supplemental to and in addition to the method of absentee voting provided by the general laws, and the provisions of this act shall be liberally construed to accomplish its purposes.

Supplemental method.

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

Effective immediately.

Passed the Senate February 8, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 126.

[S. B. 113.]

JUSTICES OF THE PEACE. CHANGE OF VENUE.

AN ACT relating to change of venue from a Justice of the Peace, and amending section 1774, Remington's Revised Statutes.

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

Amendments.

SECTION 1. That section 1774, Remington's Revised Statutes, is amended to read as follows:

Affidavit of prejudice.

Section 1774. If, previous to the commencement of any trial before a Justice of the Peace, the defendant, his attorney or agent, shall make and file with the Justice an affidavit that the deponent believes that the defendant cannot have an impartial trial before such Justice, it shall be the duty of the Justice to forthwith transmit all papers and documents belonging to the case to the next nearest Justice of the Peace in the same county, who is not of kin to either party, sick, absent from the county, or interested in the result of the action, either as counsel or otherwise. The Justice to whom such papers and documents are so transmitted shall proceed as if the suit had been instituted before him. Distance, as contemplated by this section, shall mean to be by the nearest traveled route.

Change of venue.

The costs of such change of venue shall abide the result of the suit. In precincts, and incorporated cities and towns where there are two or more Justices of the Peace, any one of them shall be considered the next nearest Justice of the Peace.

Costs abide result.

Passed the Senate March 11, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 127.

[S. S. B. 122.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation, amending chapter 162 of the Laws of 1937, as amended by chapter 214 of the Laws of 1939, as amended by chapter 253 of the Laws of 1941, providing authority to compromise claims and limiting time for collection proceedings.

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

SECTION 1. Section 3 of chapter 162 of the Laws of 1937, as amended by section 1 of chapter 214 of the Laws of 1939, as amended by section 1 of chapter 253 of the Laws of 1941, is hereby amended to read as follows: Amendments.

Section 3. (a) *Payment of Benefits.* Twenty-four months after the date when contributions first accrue under this act, benefits shall become payable from the fund: *Provided,* That wages earned for services defined in section 19(g) (6) (viii) of this act, irrespective of when performed, shall not be included for the purpose of determining eligibility under section 4(e) or the weekly benefit amount under section 3(b) for the purposes of any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable under section 3(d) on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the Commissioner may prescribe. Benefits payable.
Time.
Exceptions.

Section 3. (b) *Weekly Benefit Amount.* (1) An individual's "weekly benefit amount" shall be an amount equal to one-twentieth (1/20) of his total wages during that quarter of his base year in which such total wages were highest, except that if such amount is more than fifteen dollars (\$15.00) the Weekly benefits.

Maximum.	weekly benefit amount shall be deemed to be fifteen dollars (\$15.00), or if less than seven dollars (\$7.00),
Minimum.	shall be deemed to be seven dollars (\$7.00), and if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.
Partial week.	If an eligible individual is available for work for less than a full week, he shall be paid one-sixth of his weekly benefit amount for each day he is available, but if he is unavailable for three days or more of a week, he shall be considered unavailable for the entire week.
Computation for partial week.	(b) (2) <i>Weekly Benefit for Unemployment.</i> Each eligible individual who is unemployed in any week shall be paid with respect to such a week a benefit in an amount equal to his weekly benefit amount less that part of the remuneration (if any) payable to him with respect to such week which is in excess of three dollars (\$3.00). Such benefit, if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.
Deduction for wages.	
Definition: Seasonal employer.	Section 3. (c) <i>Benefit in Seasonal Employment.</i> (1) As used in this section, the term "seasonal employer" means an employer or operating unit of an employer which because of the seasonal nature of its operations customarily reduces employment each year during approximately the same period or periods to such an extent that the total pay roll for any continuous period of two calendar months is less than fifty per cent of the total pay roll for the consecutive two calendar months period of greatest employment during the preceding ten months. No employer or operating unit shall be deemed seasonal unless and until so found by the Commissioner after investigation and hearing, except that a successor in interest of a seasonal employer or operating unit shall be deemed seasonal upon the same basis as the predecessor unless determined otherwise by the Commissioner.
Determination.	

The Commissioner shall specify in his determination the period or periods of seasonal operations of any employer or operating unit held to be seasonal or in lieu thereof may provide some other appropriate means for identifying the seasonal employment as distinct from the non-seasonal employment of the employers or operating units determined as seasonal.

Commissioner to designate.

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

Period of determination.

Redetermination.

(2) The term "seasonal worker" means an individual who has base year wage credits of which at least eighty per cent have been earned in seasonal employment for one seasonal employer or one group of seasonal employers combined in accordance with section 3 (c) (4).

Definition: Seasonal worker.

(3) For the purposes of this section, an operating unit is any unit of an employer's business which can be, and frequently is, conducted as a separate and independent business.

Definition: Operating unit.

(4) The Commissioner may classify or join employers or their operating units into groups consisting of seasonal employment of like yearly experience.

Classification.

(5) When the Commissioner has designated the operations of an employer, an operating unit or a group of employers or operating units as seasonal, then benefits shall be payable to seasonal workers employed thereby only on account of unemployment occurring during the regular period or periods of such seasonal employment.

Benefits seasonal.

(6) The Commissioner shall study and investigate the operation of this subsection with respect to its administrative practicability and its effect

Study of seasonal operation.

Study of seasonal operation.

upon the payment of benefits to persons in seasonal industries. In the event that the Commissioner should determine, as a result of such study and investigation, that changes should be made, he shall prepare and submit to the Governor not later than December 1, 1944, recommendations in keeping with his findings and conclusions.

Report to Governor.

Maximum annual benefits.

Section 3. (d) *Duration of Benefits.* The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of

Computation.

(1) 16 times his weekly benefit amount, and
 (2) one-third (1/3) of the wages earned by him for employment by employers during his base year: *Provided*, That such maximum total amount of benefits, if not a multiple of fifty cents (50¢) shall be computed to the next higher multiple of fifty cents (50¢). For the purposes of this section wages shall be counted as "wages for employment by employers" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8(c) or section 19(f) with respect to becoming an employer.

Amendment.

SEC. 2. Section 4 of chapter 162 of the Laws of 1937, as amended by section 2 of chapter 214 of the Laws of 1939, as amended by section 2 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Eligibility.

Section 4. *Benefit Eligibility Conditions.* An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commissioner finds that:

Conditions.

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulation as the Commissioner may prescribe, except that the Commissioner

may by regulation, waive or alter either or both of the requirements of this sub-section as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act: *Provided*, That no such regulations shall conflict with section 3(a) of this act;

Eligibility conditions.

Proviso.

(b) He has made a claim for benefits in accordance with the provisions of section 6(a) of this act;

(c) He is able to work, and is available for work: *Provided*, That the word "available" shall not be construed to exclude one who, though otherwise eligible, may be pursuing in any institution of learning or training a course of study which he may optionally discontinue at any stage for an indefinite period, with refund of prepaid tuition, and which he may at any time thereafter optionally resume at the previously discontinued stage. To be available for work an individual must be ready, able and willing immediately, to accept any suitable work which may be offered to him and must be actively seeking work;

Available for work.

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

Woman in pregnancy.

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

Evidence to overcome.

(d) He has been unemployed for a waiting period of one (1) week. No week shall be counted as a week of unemployment for the purpose of this subsection:

Requirements.

Requirements.

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was otherwise eligible for benefits with respect thereto;

(3) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits;

(4) In the case of a seasonal worker, unless it falls within the operating season.

(e) He has within his base year earned wages of not less than two hundred dollars (\$200.00). For the purpose of this section wages shall be counted for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8(c) or section 19(f) with respect to becoming an employer.

Computation.

Amendments.

SEC. 3. Section 5 of chapter 162 of the Laws of 1937, as amended by section 3 of chapter 214 of the Laws of 1939, as amended by section 3 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Disqualification.

Section 5. *Disqualification for Benefits.* An individual shall be disqualified for benefits:

Conditions.

(a) For the calendar week in which he has left work voluntarily without good cause for reasons related to the work in question, if so found by the Commissioner, and for a period ensuing immediately thereafter of not less than two, nor more than five, weeks as the Commissioner shall determine (in addition to the waiting period).

(b) For the calendar week in which he has left work voluntarily for a personal reason not connected with, or related to his work, if so found by the Commissioner, and for all subsequent weeks until he has earned at least fifty dollars (\$50.00)

through performing *bona fide* services in four separate calendar weeks.

Conditions
for disqual-
ification.

(c) For the calendar week in which he has been discharged or suspended for misconduct connected with his work, if so found by the Commissioner, and for not less than the two nor more than the five weeks which immediately follow such week (in addition to the waiting period), as determined by the Commissioner in each case according to the seriousness of the misconduct.

(d) For the calendar week in which he has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under the provisions of this act and for not more than the twenty-six next following weeks as determined by the Commissioner according to the circumstances in each case.

(e) If the Commissioner finds that he has failed without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner, or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commissioner. Such disqualification shall continue for the calendar week in which such failure occurred and for not less than the one nor more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the Commissioner according to the circumstances in each case.

(1) In determining whether or not any such work is suitable for an individual or whether or not an individual has left work voluntarily without good cause, the Commissioner shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work

Determina-
tion of
conditions.

in his customary occupation, the distance of the available work from his residence, and such other factors as the Commissioner may deem pertinent including state and national emergencies.

Suitable
work.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

Conditions.

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any *bona fide* labor organization;

Exceptions.

(f) For any week with respect to which the Commissioner finds that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this subsection shall not apply if it is shown to the satisfaction of the Commissioner that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work, and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: *Provided*, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate depart-

ments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

SEC. 4. Section 6 of chapter 162 of the Laws of 1937, as amended by section 4 of chapter 214 of the Laws of 1939, as amended by section 4 of chapter 253 of the Laws of 1941, is hereby amended to read as follows: Amendments.

Section 6. (a) *Filing*. Claims for benefits shall be made in accordance with such regulations as the Commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations and such notices, instructions and other material as the Commissioner may by regulation prescribe. Such printed material shall be supplied by the Commissioner to each employer without cost to him. Filing claims.
Regulations.
Posted by employer.

Section 6. (b) *Initial Determination*. A representative designated by the Commissioner shall take the claim. The Unemployment Compensation Division shall promptly make an initial determination thereon which shall be a determination with respect to whether or not benefits are potentially payable, the weekly benefit amount payable and the maximum amount of benefits potentially payable. The claimant, his most recent employing unit, as stated by the claimant, and any other interested party which the Commissioner by regulation prescribes shall be notified promptly by the delivery of written notice of the initial determination. The initial determination shall fix the general conditions under which benefits shall be paid during any period of unemployment occurring within the ensuing benefit year. An individual who has received an Initial de-termination.
Findings.
Claimant notified.
Conditions.

Initial de-
termination.

initial determination finding that benefits are potentially payable to him, shall during his benefit year receive benefits in accordance with such initial determination with respect to any week as to which the conditions of section 4

Exception.

of this act are met unless the individual is disqualified by the provisions of section 5 hereof. The claimant, his most recent employing unit, or any such interested party to the initial determination may file an appeal from such determination with the Commissioner within ten days after the date of notification or mailing, whichever is earlier, of such initial determination to his last known address. If, upon such initial determination, benefits are allowed, but an appeal is filed relative to the maximum amount of benefits potentially payable or the weekly benefit amount, benefits may, nevertheless, be paid to the extent of the minimum potential benefit amount or weekly benefit amount

Appeal to
commissioner.

which the Division of Unemployment Compensation or any party to the appeal shall assert is due the claimant. If the payment of benefits shall be denied to any individual for any week within a benefit year covered by an initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determination. A notice that benefits have been denied, delivered to the claimant in accordance with the foregoing section, shall suffice for all subsequent weeks of unemployment during which the condition upon which the denial was based shall continue and an appeal taken from such notice of denial shall be deemed to be an appeal as to such subsequent weeks. When the Commissioner shall determine that the cause for any denial of benefits has been removed, he shall inform the claimant, his most

Minimum
payments
pending
appeal.

Notice of
denial.

Appeal.

Effect of
notice.

Notice when
denial cause
removed.

recent employing unit, and any other interested party, of his decision together with the date of the removal of such cause of denial, and the claimant, his most recent employing unit, or such other interested party, may appeal therefrom within ten days after communication or mailing of such notice, whichever is the earlier. In the absence of an appeal therefrom, a determination by the Commissioner that the cause for denial of benefits has been removed shall make any pending appeal inapplicable to any period subsequent to the date so determined by the Commissioner, and benefits may be paid for such subsequent period if the claimant is otherwise eligible. Except as herein specifically provided, if an appeal is taken with respect to any claim, benefits shall not be paid to the claimant prior to the final determination of such appeal. If no appeal be taken from the initial determination, a notice of denial of benefits, or from the Commissioner's decision of removal of cause of denial of benefits within the time allowed by the provisions of this section for appeal therefrom, said initial determination, notice of denial of benefits or Commissioner's decision of removal of cause of denial of benefits, as the case may be, shall be conclusively deemed to be just and correct except as hereinafter provided in respect to consideration by the Commissioner of an initial determination.

Appeal by others.

Determination final if no appeal.

Exception.

The Commissioner may on his own motion reconsider an initial determination prior to an appeal therefrom to the appeal tribunal whenever he finds that there has been an error in computation, or an error of similar character in connection therewith, or that wages of the claimant pertinent to such initial determination but not considered in connection therewith have been newly discovered; however, benefits may only be recovered in accordance with the provision of section 16(d) of this act.

Commissioner may reconsider initial determination.

Appeal
procedure.

Section 6 (c) *Appeals*. When an appeal is taken, as provided in the foregoing section, unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify or set aside the findings of fact and decision of the Unemployment Compensation Division. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision on the claim, unless within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is initiated pursuant to section 6(e).

Order.

Notification.

Further
appeal.

Trial
tribunal.

Section 6. (d) *Appeal Tribunals*. The Commissioner shall establish one or more impartial appeal tribunals each of which shall consist of a salaried examiner who shall decide the issues submitted to the tribunal. No examiner shall hear or decide any disputed claim in any case in which he is an interested party.

Examiner.

Restriction.

Review by
commis-
sioner.

Authority.

Section 6. (e) *Review*. The Commissioner may on his own motion, or upon the petition of any interested party shall affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The Commissioner may transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal.

Procedure
on disputed
claims.

Section 6. (f) *Procedure*. The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the Commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and

complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

Record of proceedings.

Section 6. (g) *Witness Fees.* Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Commissioner. Such fees and all expenses of proceedings involving disputed claims excepting charges for services rendered by counsel or other agent representing the claimant, employer or other interested party shall be deemed a part of the expenses of administering this act.

Witness fees.

Expenses of proceeding.

Section 6. (h) *Appeal to Courts.* Any decision of the Commissioner in the absence of an appeal therefrom as herein provided shall become final thirty days after the date of mailing written notification thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies as provided in sections 6(c), 6(d), and 6(e). The Commissioner shall be deemed to be a party to any judicial action involving any such decision, and shall be represented in any such judicial action by the Attorney General.

Decision of commissioner final in 30 days.

Commissioner party to action on appeal.

Section 6. (i) *Court Review.* Within thirty days after final decision has been communicated to any interested party, such interested party may appeal to the Superior Court of the county of his residence, and such appeal shall be heard as a case in equity but upon such appeal only such issues of law may be raised as were properly included in his application before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by filing

Appeal.

In equity.

Proceedings summary.

Notice of appeal.

Filing and service.

Answer in 20 days.

No bond.

Mailing notice of decision.

Commissioner to serve and file complete record.

No filing fee for commissioner.

Decision of court.

Contents.

Proviso.

Fee fixed by court.

with the Clerk of the Court a notice of appeal and by serving a copy thereof by mail or personally on the Commissioner, and the filing and service of said notice of appeal within thirty days shall be jurisdictional. The Commissioner shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record, and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the Superior or the Supreme Courts. When a notice of final decision has been placed in the United States mail properly addressed, it shall be considered *prima facie* evidence of communication to the appellant and his attorney, if of record.

The Commissioner shall serve upon the appellant and file with the Clerk of the Court before trial a certified copy of his complete record of the claim which shall upon being so filed become the record in such case. No fee of any kind shall be charged the Commissioner for filing his appearance or for any other service performed by the Clerk of either the Superior or the Supreme Court.

If the Court shall determine that the Commissioner has acted within his power and has correctly construed the law, the decision of the Commissioner shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the Superior Court shall refer the same to the Commissioner with an order directing him to proceed in accordance with the findings of the Court: *Provided*, That any award shall be in accordance with the schedule of unemployment benefits set forth in this act.

It shall be unlawful for any attorney engaged in any such appeal to the courts as provided herein to charge or receive any fee therein in excess of a reasonable fee to be fixed by the Superior Court in re-

spect to the services performed in connection with the appeal taken thereto and to be fixed by the Supreme Court in the event of an appeal thereto, and if the decision of the Commissioner shall be reversed or modified, such fee and the costs shall be payable out of the Unemployment Compensation Administration Fund. In the allowance of fees the Court shall give consideration to the provisions of section 15(b). In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the Superior Court to the Supreme Court as in other civil cases. In all court proceedings under or pursuant to this act the decision of the Commissioner shall be *prima facie* correct, and the burden of proof shall be upon the party attacking the same.

Fee on appeal.

Costs payable from fund.

Appeal to Supreme Court.

Burden of proof.

Whenever any appeal is taken from any decision of the Commissioner to any court, all expenses and costs incurred therein by said Commissioner including court reporter costs and attorney's fees and all costs taxed against such Commissioner shall be paid out of the Unemployment Compensation Administration Fund.

Commissioner's costs paid from fund.

SEC. 5. Section 7 of chapter 162 of the Laws of 1937, as amended by section 5 of chapter 214 of the Laws of 1939, as amended by section 5 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Amendments.

Section 7. (a) *Payment.*

(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages payable for employment (as defined in section 19 (g)) occurring during such calendar year, such contributions shall become due and be paid by each employer to the treasurer for the fund in accordance with such regulation as the Commissioner may prescribe, and

Payment of contributions.

Paid by employer.

shall not be deducted, in whole or in part, from the remuneration of individuals in his employ;

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Contribution
rate.

Section 7. (b) *Rate of Contribution.* Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(1) One and eight-tenths (1.8%) per centum with respect to employment during the calendar year 1937;

(2) Two and seven-tenths (2.7%) per centum with respect to employment during the calendar years thereafter.

Experience
rating.

Section 7. (c) *Experience Rating.*

Study and
report.

(1) The Commissioner shall investigate, study and report to the Governor and Legislature of this state not later than January 31, 1945, upon the question of establishing an experience rating system which would equitably rate the unemployment risk and fix the contribution to the fund of each employer subject to this act. This report shall include an analysis of experience rating plans, the principles of which are in conformity with Federal requirements, projected against the contribution and benefit record of Washington Industries, as if rates by industries were effective according to such plans on January 1, 1945, and the effect of the rates upon the Unemployment Compensation Fund. This report may include data based upon the records required to be maintained under subsection (c) (2) of this section, but such data are not required to be included therein.

Contents of
report.

Employers
to be
classified.

Section 7. (c) (2) The Commissioner shall immediately classify, and shall continue at all times hereafter to classify, each employer in accordance with its actual experience with regard to contributions paid by it in its own behalf and the benefits

which the Unemployment Fund has paid to its employees, or to employees whose benefits are properly chargeable against such employer. The Commissioner shall set up and maintain separate records for each employer of the amounts paid into the fund by it in its own behalf with respect to employment occurring on or after January 1, 1942, and of all benefit payments made and properly chargeable to such employer annually commencing January 1, 1942. Benefits paid to an unemployed individual during any benefit year shall be charged against the account of the employer from whom the individual earned the most wages during his base year, except that if an individual had an equal amount of base year wages from each of two or more employers, the benefit charge shall be divided equally among such employers: *Provided*, That if such individual performed services in employment for more than one employer during his base year, benefits paid to such individual for unemployment occurring on or before January 2, 1943, shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base year. In charging employers' accounts, proper consideration shall be given to limitations set out in this section, with respect to benefit payments properly chargeable against the employer's account.

Section 7. (d) *Joint Accounts*. The Commissioner shall prescribe regulations for the establishment, maintenance and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

Classification according to experience.

Employer records.

Payments charged against employer account.

Proviso.

Joint accounts.

Amendments.

SEC. 6. Section 9 of chapter 162 of the Laws of 1937, as amended by section 7 of chapter 214 of the Laws of 1939, as amended by section 7 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Unemployment compensation fund.

Section 9. (a) *Unemployment Compensation Fund.* There is hereby established as a special fund, separate and apart from all public moneys or funds of this state, an Unemployment Compensation Fund, which shall be administered by the Commissioner exclusively for the purposes of this act, and to which section 5501 of Remington's Revised Statutes shall not be applicable. This fund shall consist of

Separate from all other state funds.

Contents of fund.

- (1) All contributions collected under this Act;
 - (2) All interest collected pursuant to the provisions of this act;
 - (3) Interest earned upon any moneys in the fund;
 - (4) Any property or securities acquired through the use of moneys belonging to the fund; and
 - (5) All earnings of such property or securities.
- All money in the fund shall be mingled and undivided.

Commissioner to designate treasurer.

Section 9. (b) *Accounts and Deposit.* The Commissioner shall designate a Treasurer and Custodian of the fund who shall administer such fund in accordance with the directions of the Commissioner and shall issue his warrants upon it in accordance with such regulations as the Commissioner shall prescribe. He shall maintain within the fund three separate accounts:

Three separate accounts.

- (1) A clearing account,
- (2) An unemployment trust fund account, and
- (3) A benefit account.

Function of clearing account.

All moneys payable to the fund, upon receipt thereof by the Commissioner, shall be forwarded to the Treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 14 of this act may be paid from the clear-

ing account upon warrants issued by the Treasurer under the direction of the Commissioner. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this state in the Unemployment Trust Fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the Unemployment Trust Fund. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, but shall be deposited by the Treasurer, under the direction of the Commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account. The Treasurer shall give a bond conditioned upon the faithful performance of his duties as Custodian of the Fund in an amount fixed by the State Administrative Board and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the Unemployment Compensation Fund shall be deposited in such fund.

Deposit
in U. S.
treasury.

Benefit
account.

Clearing
and benefit
accounts
not to be
mingled.

Deposit.

Security.

Bond of
treasurer.

Section 9. (c) *Withdrawals.* Moneys shall be requisitioned from this state's account in the Unemployment Trust Fund solely for the payment of bene-

Withdrawals
from state
account.

Withdrawals solely to pay benefits.	fits and in accordance with regulations prescribed by the Commissioner. The Commissioner shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and section 5501 of Remington's Revised Statutes shall not apply. All warrants issued by the Treasurer for the payment of benefits and refunds shall bear the signature of the Treasurer and the counter signature of the Commissioner or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the Unemployment Trust Fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the Commissioner, shall be re-deposited with the Secretary of the Treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in section 9 (b).
Deposit.	
Expenditures.	
Act not applicable.	
Form of warrants.	
Application of balances.	
Fund operative.	Section 9. (d) <i>Management of Funds Upon Discontinuance of Unemployment Trust Fund.</i> The provisions of sections 9(a), 9(b) and 9(c) to the extent that they relate to the Unemployment Trust Fund, shall be operative only so long as such Unemployment Trust Fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this state a
Period.	

separate book account of all funds deposited therein for this state for benefit purposes, together with this state's proportionate share of the earnings of such Unemployment Trust Fund, from which no other state is permitted to make withdrawals. If and when such Unemployment Trust Fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties or securities therein, belonging to the Unemployment Compensation Fund of this state shall be transferred to the Treasurer of the Unemployment Compensation Fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties, or securities in a manner approved by the Commissioner, in accordance with the provisions of this act: *Provided*, That such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest bearing obligations of the United States of America: *And Provided further*, That such investment shall at all times be made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The Treasurer shall dispose of securities or other properties belonging to the Unemployment Compensation Fund only under the direction of the Commissioner.

Disposition if trust fund is discontinued.

Transfer to treasurer.

Restrictions.

SEC. 7. Section 10 of chapter 162 of the Laws of 1937, as amended by section 8 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Amendments

Section 10. *Organization*. There are hereby created in the Office of Unemployment Compensation and Placement two coordinate divisions to be known as (a) the Unemployment Compensation Division, which shall be administered by a full-time salaried supervisor, and (b) the Washington State Employment Service Division; each of which shall be under a supervisor who shall be an assistant to the Commissioner and shall be appointed by him. Each division shall be responsible to the Commissioner for the dispatch of its distinctive functions. Each division

Two divisions created.

Each under supervisor.

Commissioner to appoint.

Each division
a separate
unit.

Appoint-
ments on
merit basis

shall be a separate administrative unit with respect to personnel, budget and duties, except in so far as the Commissioner may find that such separation is impracticable. The Commissioner is authorized to appoint, fix the compensation of, and prescribe the duties of the staff of the Washington State Unemployment Compensation Division: *Provided*, That such appointment shall be made on a non-partisan merit basis, and to appoint, fix the compensation of and prescribe the duties of the staff of the Washington State Employment Service Division in accordance with the provisions of section 11 of this act. In selecting the personnel for the subdivision of the blind in the employment service division, blind persons who are otherwise qualified and available shall be employed wherever practicable.

Amendments.

SEC. 8. Section 11 of chapter 162 of the Laws of 1937, as amended by section 9 of chapter 214 of the Laws of 1939, as amended by section 8 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Duties and
powers of
Commissioner.

Make rules.

Publication
of rules.

Organization.

Official seal.

Section 11. (a) *Duties and Powers of Commissioner*. It shall be the duty of the Commissioner to administer this act; and he shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and to take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this act, which the Commissioner shall prescribe.

The Commissioner, in accordance with the provisions of this act, shall determine the organization and methods of procedure of the divisions referred to in section 10 of this act, and shall have an official seal which shall be judicially noticed. Not later than the 1st day of February of each year, he shall submit to the Governor a report covering the administration

and operation of this act during the preceding calendar year and shall make such recommendations for amendments to this act as he deems proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the Commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the Governor and Legislature and make recommendations with respect thereto.

Annual
report to
governor.

Contents.

Make recom-
mendations.

. Section 11. (b) *Reciprocal State Arrangements.* The Commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states, foreign governments or the Federal government whereby individuals performing services in this and other states or countries for a single employing unit under circumstances not specifically provided for in section 19(g) of this act, or under similar provisions in the unemployment compensation laws of such other states or countries, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states or countries, and whereby potential rights to benefits accumulated under the unemployment compensation laws of one or more states or countries, or under such a law of the Federal government, or all of them, may constitute the basis for the payment of benefits through a single appropriate agency under terms which he finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

Reciprocal
state ar-
rangements.

Contents
and
conditions.

The commissioner is also authorized to enter into

Other ar-
rangements.

Contents
and con-
ditions.

Restrictions.

Reimburse
other agency.

Services in
more than
one state.

Jurisdiction.

arrangements with the appropriate agencies of other states, foreign countries or the Federal government,

(1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state, country or of the Federal government, shall be deemed to be wages for employment by employers for the purposes of section 3 and section 4(e) of this act, if such other state agency, agency of a foreign government or agency of the Federal government has agreed to reimburse the fund for such portion of benefits paid under this act upon the basis of such wages or services as the Commissioner finds will be fair and reasonable as to all affected interests, and

(2) whereby the Commissioner will reimburse other state, foreign or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits paid under the law of any such other states, foreign government or of the Federal government upon the basis of employment or wages for employment by employers as the Commissioner finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purposes of section 3(d) and 9 of this act. The Commissioner is hereby authorized to make to other state, foreign or Federal agencies and receive from such other state, foreign or Federal agencies reimbursements from or to the fund, in accordance with arrangements pursuant to this section, and

(3) whereby services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a place of busi-

ness: *Provided*, There is in effect, as to such services, an election by the employing unit with the acquiescence of such individual, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such state. Limitation.

(4) To the extent permissible under the laws and Constitution of the United States, the Commissioner is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the employment security law of this state or under a similar law of such government. Cooperate with foreign governments.

Section 11. (c) *Regulations and General and Special Rules.* General and special rules may be adopted, amended, or rescinded by the Commissioner only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the Secretary of State and publication in one or more newspapers of general circulation in the state. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the Commissioner and shall become effective in the manner and at the time prescribed by him. Rules and regulations.

Section 11. (d) *Publication.* The Commissioner shall cause to be printed for distribution to the public text of this act, the regulations and general rules, his annual reports to the Governor, and any other material which he deems relevant and Hearing on rules.

Effective date.

Special rules.

Act, rules and general regulations to be published.

Distribution. suitable and shall furnish the same to any person upon application therefor.

Appoint and fix compensation of personnel.

Section 11. (e) *Personnel*. Subject to other provisions of this act, the Commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary to carry out this act. The Commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this act including the right to decide matters placed in his discretion under this act, and may in his discretion bond any person handling moneys or signing checks hereunder.

Delegation of power.

Governor to appoint Personnel Board.

For the purpose of insuring the impartial selection of personnel on the basis of merit, the Governor shall appoint a Personnel Board of three members who are known to be interested in the selection of efficient government personnel, and who are not officers or employees of any department or office of the State of Washington, or elected public officials. All appointments shall be for a term of six years, except that the terms of the members first taking office shall be two, four and six years, respectively. All personnel of the Office of Unemployment Compensation and Placement, and such other departments or offices of the State of Washington as the Governor may designate or as provided by law, shall be selected from registers established by the Personnel Board. The Commissioner is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the Social Security Board pursuant to the Social Security Act, as amended, and the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the state in promotion of such system, and for other purposes," as approved June 6, 1933, as amended, and to provide for the

Qualifications.

Terms.

Personnel selected from register.

Regulations for personnel standards.

Conform to Act of Congress.

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 personal standards promulgated by the Social Security Board and the Personnel Board in making up registers for the Office of Unemployment Compensation and Placement shall be governed by such regulations.

Merit system.

The Commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office.

Limitation.

Section 11. (f) *Employment Stabilization.* The Commissioner shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry and publish the results of investigations and research studies.

Employment stabilization.

Methods.

Section 11. (g) *Records and Reports.* Each employing unit shall keep true and accurate work records, containing such information as the Commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the Commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The records of an employer maintained in this state pertaining to employment of persons in another state shall be open to representatives of the Commissioner to permit cooperation with other state unemployment compensation agencies in ascertaining information necessary to administer the unemploy-

Employer to keep records.

Records open to inspection.

Commissioner may require reports on employees.

Information confidential.

Penalty for violation.

Power to administer oaths.

Issue subpoenas.

ment compensation acts of such other states. The Commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this act. Each employer shall make periodic reports at such intervals as the Commissioner may, by regulation, prescribe setting forth the remuneration payable for employment to workers in its employ, the names of all such workers and such other information as the Commissioner may, by regulation, prescribe. Information thus obtained or obtained from any individual pursuant to the administration of this act shall be deemed confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties and then only at the discretion of and in accordance with regulations prescribed by the Commissioner) in any manner revealing an individual's or employing unit's identity, but any interested party at a hearing before an appeal tribunal or the Commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question. Any employee or member of the Office of Unemployment Compensation and Placement who violates any provision of this section shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00), or imprisoned for not longer than ninety (90) days or both.

Section 11. (h) *Oaths and Witnesses.* In the discharge of the duties imposed by this act, the appeal tribunal and any duly authorized representative of the Commissioner shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection

with a disputed claim or the administration of this act.

Section 11. (i) *Subpoenas*. In case of contumacy by, or refusal to obey subpoenas issued to any person, any court of the state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by any duly authorized representative of the Commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before such authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the Commissioner or his authorized representative shall be punished by a fine of not less than two hundred dollars (\$200.00) or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Court may order witnesses to comply with subpoenas.

Failure to obey contempt.

Penalty for contempt.

Section 11. (j) *Protection Against Self-Incrimination*. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before any duly authorized representative of the Commissioner or any appeal tribunal in obedience to the subpoena of such representative of the Commissioner or such appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or for-

Every person shall testify.

No prosecution for self-incrimination.

feiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-discrimination [incrimination], to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Perjury excepted.

Commissioner to cooperate with board.

Section 11. (k) *State-Federal Cooperation.* In the administration of this act, the Commissioner shall cooperate to the fullest extent consistent with the provisions of this act, with the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this state under title III of the Social Security Act for the purpose of assisting in the administration of this act.

Make reports and comply with rules.

Purpose.

Commissioner to cooperate with U. S. agencies.

Upon request therefor the Commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

State's records available to R. R. Board.

The Commissioner may make the state's records relating to the administration of this act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes. The Commissioner may afford reasonable cooperation with every agency of the United States charged

with the administration of any unemployment insurance law.

SEC. 9. Section 12 of chapter 162 of the Laws of 1937, as amended by section 10 of chapter 214 of the Laws of 1939, as amended by section 9 of chapter 253 of the Laws of 1941, is hereby amended to read as follows: Amendments.

Section 12. (a) The Washington State Employment Service Division is hereby set up in the Office of Unemployment Compensation and Placement as a division thereof. Employment service a division of office.

The Commissioner through such division shall establish and maintain free public employment offices in such number and such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49(c), as amended). Maintain public employment offices.

The Commissioner shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. Compliance with Act of Congress.

The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. Agency of state.

The Office of Unemployment Compensation and Placement is hereby designated and constituted the agency of this state for the purpose of said act. Agreement with R. R. Board.

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.

Federal funds paid into employment account.

Used to establish offices.

Enter into agreements with Federal agencies to fulfill purpose.

Section 12. (b) *Financing.* All moneys received by this state under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the State Treasury, and said moneys are hereby made available to the Commissioner for the Washington State Employment Service Division to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of any unemployment compensation law, with any political subdivision of this state or with any private non-profit organization, and as a part of any such agreement the Commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

Amendments.

SEC. 10. Section 14 of chapter 162 of the Laws of 1937, as amended by section 12 of chapter 214 of the Laws of 1939, as amended by section 11 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Interest on past due contributions.

Rate.

Limit.

Section 14. (a) *Interest On Past Due Contributions.* If contributions are not paid on the date on which they are due and payable as prescribed by the Commissioner, the whole or part thereof remaining unpaid shall bear interest at the rate of 1 per centum (1%) per month from and after such date until payment plus accrued interest is received by him. In computing interest for any period less than a full month, the rate shall be 1-30 of one per centum for each day or fraction thereof. Interest shall not accrue in excess of twenty-four per centum for delinquent contributions for any one contribution period. The date as of which payment of contribution, if mailed, is deemed to have been received may be

determined by such regulations as the Commissioner may prescribe. Interest collected pursuant to this section shall be paid into the Unemployment Compensation Fund. Interest shall not accrue on contributions from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Where adequate information has been furnished the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, interest may be waived. Payments of contributions erroneously paid to an unemployment compensation fund of another state which should have been paid to this state and which thereafter shall be refunded by such other state and paid by the employer to this state, shall be deemed to have been paid to this state at the date of payment to such other state.

Credit to fund.

Exceptions.
Estate funds.

Exception.
Error in payment.

Section 14. (b) The claim of the Division of Unemployment Compensation for any contributions, including interest thereon, not paid when due, shall be a lien prior to all other liens, except taxes, not only against the interests of any employer, but against the interests of all others, in the plant, works, equipment and buildings improved, operated or constructed by such employer, and also upon any products or articles manufactured by such employer. Said lien shall date from the commencement of the period with respect to which said delinquent contributions are due, and shall be prior to all other liens except tax liens. In order to avail itself of the lien hereby created, the

Lien created for delinquent contributions.

Exceptions.

Filing of
lien claims.

Division of Unemployment Compensation shall file with the County Auditor of the county in which such property shall then be situated a statement in writing describing in general terms the specific property upon which a lien is claimed and stating the amount of the lien claimed by the Division. Any such lien claimed against the interests of others than the employer shall be filed within four (4) months after the employer shall have made report of his payroll and shall have defaulted in the payment of his contributions thereon. This lien shall be separate and apart from and in addition to any other lien or claim created by, or provided for in, this act. When any such notice of lien has been so filed, the Commissioner may release the same by the filing of a certificate of release when it shall appear that the amount of delinquent contributions together with all interest thereon have been paid, or when such assurance of payment shall be made as the Commissioner may deem adequate.

Time of
filing.

Release.

Notice of
assessment
for delin-
quencies.

Section 14. (c) At any time after the Commissioner shall find that any contribution or the interest thereon has become delinquent, the Commissioner may issue a notice of assessment specifying the amount due, which notice of assessment shall be served upon the delinquent employer in the manner prescribed for the service of summons in a civil action, except that if the employer cannot be found within the state, said notice will be deemed served when mailed to the delinquent employer at his last known address by registered mail. If the amount so assessed is not paid within ten days after such service or mailing of said notice, the Commissioner or his duly authorized representative may collect the amount stated in said assessment by the distraint, seizure and sale of the property, goods, chattels and effects of said delinquent employer except as is provided in section 14(e) of this act. There shall be exempt from distraint and sale under this section

Service.

Distraint.

Exemptions.

such goods and property as are exempt from execution under the laws of this state.

Section 14. (d) The Commissioner, upon making a distraint, shall seize the property and shall make an inventory of the property distrained, a copy of which shall be mailed to the owner of such property or personally delivered to him, and shall specify the time and place when said property shall be sold. A notice specifying the property to be sold and the time and place of sale shall be posted in at least two public places in the county wherein the seizure has been made. The time of sale shall be not less than ten nor more than twenty days from the date of posting of such notices. Said sale may be adjourned from time to time at the discretion of the Commissioner, but not for a time to exceed in all sixty days. Said sale shall be conducted by the Commissioner or his authorized representative who shall proceed to sell such property by parcel or by lot at a public auction, and may set a minimum price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the Commissioner or his representative may declare such property to be purchased by the Division of Unemployment Compensation for such minimum price. The delinquent account shall be credited with the amount at which the property shall be sold. Property acquired by the Division of Unemployment Compensation as herein prescribed may be sold by the Commissioner at public or private sale, and the amount realized shall be placed in the Unemployment Compensation Trust Fund.

In all cases of sale, as aforesaid, the Commissioner shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be *prima facie* evidence of the right of the Commissioner to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the

Procedure
of distraint.

Notice of
sale.

Time of sale.

Minimum
price to
include cost
of sale.

Division
may
purchase.

Property
accumulated
may be sold.

Bill of sale
or deed.

Application
of proceeds.

purchaser all right, title and interest of the delinquent employer in said property. The proceeds of any such sale shall be first applied by the Commissioner in satisfaction of the delinquent account, and out of any sum received in excess of the amount of delinquent contributions and interest the administration fund shall be reimbursed for the costs of distraint and sale. Any excess which shall thereafter remain in the hands of the Commissioner shall be refunded to the delinquent employer. Sums so refundable to a delinquent employer may be subject to seizure or distraint in the hands of the Commissioner by any other taxing authority of the state or its political subdivisions.

Excess
refunded.

Excess
subject to
distrain.

Employee
may petition
for hearing.

Section 14. (e) When any notice of assessment has been delivered or mailed to a delinquent employer, as heretofore provided, such employer may within ten days thereafter file a petition in writing with the Commissioner, stating that such assessment is unjust or incorrect and requesting a hearing thereon. Such petition shall set forth the reasons why the assessment is objected to and the amount of contributions, if any, which said employer admits to be due the Division of Unemployment Compensation. If no such petition be filed with the Commissioner within said ten days, said assessment shall be conclusively deemed to be just and correct: *Provided*, That in such cases the Commissioner may properly entertain a subsequent application for refund, and hearing thereon if denied, in accordance with section 14(f). The filing of a petition on a disputed assessment with the Commissioner shall stay the distraint and sale proceeding provided for in this section until a final decision thereon shall have been made, but the filing of such petition shall not affect the right of the Commissioner to perfect a lien, as provided in section 14(b), upon the property of the employer. The issues raised by such petition

Petition
contents.

Proviso.

Petition
to stay
distrain.

shall be heard by the appeal tribunal, established in section 6 of this act, in the same manner and in accordance with the same procedure as is prescribed for appeals from benefit determinations, including the procedure set out in section 6 for review by the Commissioner and court: *Provided*, That the provisions of section 6(g) shall not apply to hearings before the appeal tribunal or appeals to the courts involving assessment disputes, as to such hearings and appeals, the practice in civil cases shall apply, nor shall the provisions of section 6(i) or 15(b) relating to the fixing of a reasonable fee for the services of counsel or duly authorized agents, apply to hearings on assessments or appeals to the courts involving assessment disputes.

Hearing
before
tribunal.

Proviso.

Section 14. (f) No later than three years after the date any contributions or interest have been paid, an employer who has paid such contributions or interest may file with the Commissioner a petition in writing for an adjustment thereof in connection with subsequent contribution payments or for a refund thereof when such adjustment cannot be made. If the Commissioner upon an *ex parte* consideration shall determine that such contributions or interest, or portion thereof, were erroneously collected, he shall allow such employer to make an adjustment thereof without interest in connection with subsequent contribution payments by him, or if such adjustment cannot be made the Commissioner shall refund said amount without interest from the fund. For like cause and within the same period, adjustment or refund may be made on the Commissioner's own initiative. If the Commissioner finds that upon *ex parte* consideration he cannot readily determine that such adjustment or refund should be allowed, he shall deny such application and notify the employer in writing. Within ten days after such notification shall have been mailed or delivered to such

Petition for
adjustment
or refund.

May adjust
or refund.

Commis-
sioner may
refund
without
petition.

May deny
ex parte.

Employer
may petition
for hearing.

employer, whichever is the earlier, the employer may file a petition in writing with the Commissioner 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 as provided in section 14(e). The petition shall set forth the reasons why such hearing should be granted and the amount which the petitioner believes should be adjusted or refunded. If no such petition be filed within said ten days, the determination of the Commissioner as stated in said notice shall be final. The petition for refund shall be heard by the appeal tribunal and may be reviewed by the Commissioner and the courts in the manner prescribed for hearing appeals from benefit determinations.

Proviso.

Time for
filing.

Petition
heard by
tribunal.

Commis-
sioner may
make report
if employer
falls.

Section 14. (g) If any employing unit shall fail or neglect to make or file any report or return required by this act, or any regulation made pursuant hereto, the Commissioner may upon the basis of such knowledge as may be available to him arbitrarily make a report on behalf of such employing unit, and the report so made shall be deemed *prima facie* correct.

May make
jeopardy as-
sessment.

Section 14. (h) If the Commissioner shall have reason to believe that an employer is insolvent or if any reason exists why the collection of any contributions accrued will be jeopardized by delaying collection, he may make an immediate assessment thereof and may proceed to enforce collection on said assessment immediately, but interest shall not begin to accrue upon any contributions until the date when such contributions would normally have become delinquent.

Act
conclusive.

Section 14. (i) The remedies provided in this act for determining the justness or correctness of assessments or refund or adjustment claims shall be exclusive and no court shall entertain any action to enjoin an assessment or require a refund or adjust-

ment except in accordance with the provisions of this act. Matters which may be determined by the procedures herein set out shall not be the subject of any declaratory judgment.

Section 14. (j) Any employer who shall be delinquent in the payment of contributions or interest may be enjoined upon the suit of the State of Washington from continuing in business in this state or employing persons herein until the contributions and interest shall have been paid, or until the employer shall have furnished a good and sufficient bond in the amount of double the estimated contributions which will become due from such employer during the next ensuing calendar year before the same become delinquent.

Employer may be enjoined for delinquency.

Section 14. (k) *Collection.* If after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the State of Washington, and the employer adjudged in default shall pay the cost of such action. Any lien created by this act may be foreclosed by decree of the court in any such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the industrial insurance laws of this state.

Collections by civil procedure.

Section 14. (l) Remedies given to the state under this act for the collection of contributions and interest shall be cumulative and no action taken by the Commissioner or his duly authorized representative, the Attorney General, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other.

Remedies cumulative.

Lien against
assets of
estates.

Section 14. (m) In the event of any distribution of an employer's assets pursuant to an order of any court including any receivership, probate, legal dissolution, or similar proceeding, or in case of any assignment for the benefit of creditors, composition, or similar proceeding, contributions then or thereafter due shall be a lien upon all the assets of such employer. Said lien will be prior to all other liens or claims except prior tax liens, liens filed under section 14(b) of this act and claims for remuneration for services of not more than \$250.00 to each claimant, earned within six months of the commencement of the proceeding. The mere existence of a condition of insolvency or the institution of any judicial proceeding for legal dissolution or of any proceeding for distribution of assets shall cause such a lien to attach without action on behalf of the Commissioner or the state. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as provided in that act, as amended.

Priority.

Authority
to com-
promise.

Section 14. (n) *Authority to Compromise.* The Commissioner may compromise any claim for contributions, interest or penalties existing or arising under this act in any case where collection of the full claim would result in the insolvency of the employing unit or individual from whom such contributions, interest or penalties are claimed.

Record of
compromise
to be filed.

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

Contents.

Any person who in connection with any compromise or offer of such compromise wilfully conceals from any officer or employee of the state any property belonging to an employing unit or individual liable in respect of the contributions, interest or penalties, or receives, destroys, mutilates, or falsifies any book, document or record, or makes under oath any false statement relating to the financial condition of the employing unit or individual liable in respect of the contributions, shall upon conviction thereof be fined not more than \$5,000.00 or be imprisoned for not more than one year or both.

Penalty for concealment.

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

Compromise final.

Except on showing of fraud.

Section 14. (o) *Statute of Limitation.* The amount of contributions, interest and penalties imposed by this act shall be assessed by the Commissioner in accordance with section 14(e) or section 14(h), or a suit commenced in accordance with section 14(k), within three years after a return is filed and no proceedings for the collection of such amounts shall be begun after the expiration of such period.

Statute of limitation.

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

Exception.

SEC. 11. Section 15 of chapter 162 of the Laws of 1937, as amended by section 13 of chapter 214 of

Amendment.

the Laws of 1939, as amended by section 12 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Workmen cannot waive rights.

Section 15. (a) *Waiver of Rights Void.* Any agreement by an individual to waive, release or commute his rights to benefits or any other rights under this act shall be void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from remuneration for services to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of any employer who violates any provision of this section shall, for each offense, be fined not less than \$100.00 nor more than \$1,000.00 or be imprisoned for not more than six months, or both.

Employer not to accept contributions from workmen.

Penalty for violation.

No fees for services or court actions.

Section 15. (b) *Limitation of Fees.* No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the Commissioner or his representatives, or by an appeal tribunal or any court or any officer thereof. Any individual claiming benefits in any proceeding before the Commissioner, or an appeal tribunal may be represented by counsel or other duly authorized agent who shall neither charge nor receive a fee for such services in excess of an amount found reasonable by the officer conducting such proceeding. A legally licensed attorney shall be paid such reasonable fee for his services in the Superior or Supreme Court as such courts order in accordance with the provisions of section 6(i). Any person who violates any provision of this section shall, for each offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

Attorney's fee limited.

Court to fix fee.

Penalty for violation.

Section 15. (c) *No Assignment of Benefits; Exemptions.* Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this act shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debts; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for collection of all debts except debts incurred for necessities furnished such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void.

Assignments void.

Benefits exempt from execution.

Benefits kept separate are exempt.

Exception.

Waiver of exemption void.

SEC. 12. Section 16 of chapter 162 of the Laws of 1937, as amended by section 14 of chapter 214 of the Laws of 1939, as amended by section 13 of chapter 253 of the Laws of 1941, is hereby amended to read as follows:

Amendments.

Section 16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, either for himself or for any other person, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. This penalty shall be in addition to any penalty for any other crime involved in the same transaction.

Penalty for false representation.

Penalty additional.

Section 16. (b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto,

False representation by employer.

Penalty for false representation by employer.

or to avoid becoming or remaining subject thereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure or refusal shall constitute a separate offense.

Penalty for any violation of act.

Section 16. (c) Any person who shall wilfully violate any provision of this act or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Penalty for misrepresentation.

Section 16. (d) Any person who, by reason of the non-disclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such non-disclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall in the discretion of the Commissioner either be liable to have such sum deducted from any future benefits payable to him under this act or shall be liable to repay to the Commissioner for the unemployment compensation fund, a sum equal to the amount so received by him, and such

sum shall be collected in the manner provided in section 14 (k) of this act for the collection of past due contributions.

SEC. 13. Section 19 of chapter 162 of the Laws of 1937, as amended by section 16 of chapter 214 of the Laws of 1939, as amended by section 14 of chapter 253 of the Laws of 1941, is hereby amended to read as follows: Amendments.

Section 19. (a) (Reserved) Definitions.

Section 19. (b) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

Section 19. (c) "Commissioner" means the administrative head of the State Office of Unemployment Compensation and Placement referred to in section 10 of this act.

Section 19. (d) "Contributions" means the money payments to the state unemployment compensation fund required by this act.

Section 19. (e) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act.

Each individual employed to perform or to assist in performing the work of any agent or employee of any employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such

Definitions. agent or employee: *Provided*, The employing unit had actual or constructive knowledge of the work.

Section 19. (f) "Employer" means:

Employer. (1) On and after July 1, 1941, any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person which has any person in employment for it or which having become an employer, has not ceased to be an employer as provided in this act.

(2) Prior to July 1, 1941:

(a) Any employing unit which in each of twenty different weeks within either the current or the preceding calendar year (whether or not such weeks are or were consecutive) has or had in employment eight or more individuals (not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week);

(b) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(c) Any employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (a) of this section;

(d) An employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and

which if treated as a single unit with such other employing unit, would be an employer under paragraph (a) of this section;

Definitions.
Employer.

(e) Any employing unit which, having become an employer under paragraph (a), (b), (c) or (d), has not, under section 8, ceased to be an employer subject to this act; or

(f) For the effective period of its election pursuant to section 8 (c), any other employing unit which has elected to become fully subject to this act.

Section 19. (g) (1) "Employment," subject to the other provisions in this sub-section, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

Employment.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this state if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state but some of the service is performed in this state and

(a) The base of operations, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(b) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Services not covered under paragraph (2) of this section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the Commissioner approves the election of the employing unit for whom such services are performed that the

Definitions. entire service of such individual shall be deemed to
 Employment. be employment subject to this act.

(4) Service shall be deemed to be localized within a state if:

(i) The service is performed entirely within such state; or

(ii) The service is performed both within and without such state, but the service performed without the state is incidental to the individual's service within such state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for remuneration shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the Commissioner that:

(i) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(ii) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(iii) Such individual is customarily engaged in an independently established trade, occupation, profession or business, of the same nature as that involved in the contract of service.

Exceptions. (6) The term "employment" shall not include:
 Agricultural labor. (i) Agricultural Labor. The term "Agricultural Labor" includes all services performed:

Definitions. (1) On a farm, in the employ of any person, in connection with the cultivating of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals

and wild life, or in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment. Exceptions.

(2) In handling, planting, packing, packaging, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, in their raw and natural state, as an incident to the preparation of such fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption. Exceptions.

(ii) Domestic service in a private home;

(iii) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(iv) Service performed by an individual in the employ of his son or daughter, or the community of which such son or daughter is a member, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(v) Service performed in the employ of a corporation, community chest fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(vi) Service performed in the employ of this

Public
employes
excepted.

state, or of any political sub-division thereof, or of any instrumentality of this state or its political sub-divisions;

Exceptions.
Certain U. S.
employes.

(vii) Service performed in the employ of any other state or its political sub-divisions, or of the United States Government, or of any instrumentality of any other state or states or their political sub-divisions or the United States; except that if the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation act, then, to the extent permitted by Congress, and from and after the date when such permission becomes effective all the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services: *Provided*, That if this state should not be certified by the Social Security Board under section 903 of the Social Security Act for any year, then the payment required of such instrumentalities with respect to such year shall be deemed to be erroneously collected within the meaning of section 14(f) of this act and shall be refunded by the Commissioner from the fund in accordance with such provisions of section 14(f) of this act;

Proviso.

Acts of
Congress.

(viii) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress: *Provided*, That the Commissioner is hereby authorized to enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in section 11(b) of this act for general rules, to provide reciprocal treatment to individuals who

Agreements
with U. S.

Time
effective.

have, after acquiring potential rights to benefits under this act, acquired right to unemployment compensation under such act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this act; Exemptions.

(ix) Service performed by an insurance agent or insurance solicitor to the extent he is compensated by commission;

(x) Service as a newsboy selling or distributing newspapers on the street or from house to house;

(xi) Service in connection with the raising or harvesting of mushrooms;

(xii) Service performed in any calendar quarter in the employ of any of the following organizations, if (1) the remuneration for such services does not exceed \$45.00, or (2) such service is in connection with the collection of dues or premiums for a fraternal benefit society, order or association and is performed away from the home office or is ritualistic service in connection with any such society, order or association, or (3) such service is performed by a student who is enrolled and who is regularly attending classes at a school, college or university;

(a) Labor organizations;

(b) Mutual savings banks not having a capital stock represented by shares;

(c) Fraternal beneficiary societies, orders, or associations, (1) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (2) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

(d) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks

Exemptions. without capital stock organized and operated for mutual purposes and without profit;

(e) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(f) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(g) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

(h) Clubs organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

(i) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

(j) Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including inter-insurers and reciprocal underwrit-

ers) the income of which is used or held for the purpose of paying losses or expenses; Exemptions.

(k) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (1) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (2) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation or 8 per centum per annum, which ever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose. Such an association may market the products of non-members in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for non-members in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, providing the value of the purchases made for persons who are neither members nor pro-

Exemptions.

ducers does not exceed 15 per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph;

(l) Corporations organized by an association exempt under the provisions of paragraph (k), or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation or 8 per centum per annum, which ever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, upon dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose;

(m) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this chapter;

(n) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such act, as amended and supplemented, such corporations are exempt from Federal income taxes;

(o) Teachers' retirement fund associations of a purely local character, if (1) no part of their net earnings inures (other than through payment of re-

tirement benefits) to the benefit of any private shareholder or individual, and (2) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments;

(p) Religious or apostolic associations or corporations, if such associations or corporations have a common treasury or community treasury, even if such associations or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro-rata shares, whether distributed or not, of the net income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received;

(xiii) If the services performed during one-half or more of any pay period by an individual for an employer constitutes employment, all of the services of such individual for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an individual for an employer do not constitute employment, then none of the services of such individual on behalf of such employer for such period shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the employee by the person employing him;

(xiv) Casual labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business shall not be deemed to be casual labor.

Definitions.

Section 19. (h) "Employment office" means a free public employment office, or branch thereof, operated by this or any other state as a part of a state-controlled system of public employment offices, or by a Federal agency or any agency of a foreign government charged with the administration of an unemployment compensation program or free public employment offices. All claims for unemployment compensation benefits, registrations for employment, and all job or placement referrals received or made by any of the employment offices as above defined and pursuant to regulation of the Commissioner subsequent to December 31, 1941, are hereby declared in all respects to be valid. The Commissioner is authorized to make such investigation, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of the act as he deems necessary or appropriate to facilitate the administration of any state or Federal unemployment compensation or public employment service law and in like manner to accept and utilize information, services and facilities made available to the state by the agency charged with the administration of any such unemployment compensation or public employment service law. Any such action taken by the Commissioner subsequent to December 31, 1941, is hereby declared to be in all respects valid.

Section 19. (i) "Fund" means the Unemployment Compensation Fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

Section 19. (j) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

Section 19. (k) "Unemployment." An individual shall be deemed "unemployed" in any week dur-

ing which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work if the remuneration payable to him with respect to such week, is less than his weekly benefit amount. The Commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment and partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the Commissioner deems necessary. Definitions.

Section 19. (l) "Unemployment Compensation Administration Fund" means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

Section 19. (m) "Wages" means the first three thousand dollars of remuneration payable by one employer to an individual worker for employment during one calendar year: *Provided*, That if three thousand dollars (\$3,000) or more of remuneration has been payable by one employer to an individual during one calendar year, some portion of which is included in such individual's base period, the three thousand dollars (\$3,000) shall be equally prorated throughout the weeks of such year in which he was so employed for the purposes of determining whether or not the individual is eligible to receive benefits, his weekly benefit amount and the maximum total amount of benefits payable to him. "Remuneration" means all compensation payable for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash. The reasonable cash value of compensation payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the Commissioner.

Exclusion.

The term "wages" shall not include:

(1) The amount of any payment by an employing unit with respect to services performed after July 1, 1941, to or on behalf of an individual in its employ under a plan or system established by such employing unit which makes provision for individuals in its employ generally, or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities or into a fund to provide for any payment) on account of:

Private insurance.

Provisions.

(a) Retirement;
 (b) Sickness or accident disability;
 (c) Medical and hospitalization expenses in connection with sickness or accident disability; or
 (d) Death, provided the individual in its employ

(i) has not the option to receive instead of provision for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employing unit, and

(ii) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefits to assign such benefits or to receive a cash consideration in lieu of such benefits, either upon his withdrawal from the plan or system providing for such benefits or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

Payments under revenue act.

(2) The payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an employee under section 1400 of the Federal Internal Revenue Code with respect to services performed after July 1, 1941; or

Provisions.

(3) Dismissal payments after July 1, 1941, which the employing unit is not legally required to make; or

(4) Any amount paid to a person in the military service for any pay period during which he performs no service for the employer. Provisions.

Section 19. (n) "Week" means any period of seven consecutive calendar days ending at midnight as the Commissioner may by regulation prescribe. The Commissioner may by regulation prescribe that a week shall be "in," "within," or "during" that benefit year which includes the greater part of such week. Definitions.

Section 19. (o) "Benefit Year," with respect to any individual means the fifty-two consecutive week period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits, and thereafter, the fifty-two consecutive week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year, except in any case where at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter in the base year that had been included in a previous base year, the benefit year shall be deemed to be fifty-three weeks. Any claim for benefits made in accordance with section 6 (a) of this act shall be deemed to be a valid claim for the purposes of this section, if the individual has earned wages for employment by employers as provided in section 4 (e) of this act.

Section 19. (p) "Base Year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

Section 19. (q) "Calendar Quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or por-

tion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the Commissioner may by regulation prescribe.

Passed the Senate February 27, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 128.

[S. S. B. 130.]

MOVING OF HOUSEHOLD GOODS OF TRANSFERRED STATE EMPLOYEES.

AN ACT authorizing heads of state departments to move household goods and effects of deputies or employees who are transferred from one station within the state to another, at the expense of the state, and declaring that this act shall take effect April 1, 1943.

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

SECTION 1. Whenever it shall be reasonably necessary to the successful performance of the required duty of a state office, commission, or department to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, upon securing the approval of the Supervisor of Budget, Accounts and Control, it shall be lawful for such office, commission, or department to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to such deputy or employee shall be upon voucher submitted by him and approved by the department head.

Authority
to pay cost
of moving.

Approval
required.

Alternative.

SEC. 2. This act shall take effect with the beginning of the next ensuing biennium, April 1, 1943. Effective
April 1, 1943.

Passed the Senate February 19, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 129.

[S. B. 164.]

CASCARA BARK.

AN ACT relating to cascara bark; regulating cutting, peeling, selling, shipping and disposing of same; and prescribing penalties.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to cut, peel, sell, ship or otherwise dispose of any cascara bark unless the person, firm or corporation cutting the same shall secure a written permit from the legal owner of the land upon which such cascara bark is cut or peeled. In the case of any state land the written permit shall be secured from the Commissioner of Public Lands. Where the cascara bark is cut or peeled by a person who is the owner of the land from which such cascara bark is cut or peeled, such owner shall supply the permit hereinbefore provided for. Such permit shall describe the land by legal description. Written
permit for
peeling.

Legal
description.

SEC. 2. Any person, firm or corporation cutting or peeling any cascara bark upon the land of another shall observe the following requirements: Regulations
for peeling.

(a) All trees must be felled prior to peeling.

(b) No trees of less than three (3) inches in diameter may be fallen, cut or peeled.

(c) Peeling must be carried on consistently and currently within each stand, group of trees or cutting

area as may be indicated by the legal owner or the Commissioner of Public Lands.

(d) Stumps must be left at least six (6) inches in height above the ground and no bark is to be injured or removed from the stump.

(e) All limbs and branches must be peeled down to a diameter of one and one-half (1½) inches or less.

(f) Where trees grow from a common source, such as an old stump or root, the falling, cutting and peeling practice shall be such as will provide for all trees three (3) inches in diameter or less to be left without injury.

(g) Special efforts must be made to prevent injury to small sprouts growing below the stump line.

(h) In peeling or taking such bark, he, they or it shall take every precaution against the start or spread of fire, and, when required so to do by the owner or the Commissioner of Public Lands, shall keep and maintain on the premises such fire-fighting equipment as they shall prescribe.

Penalty for violation.

SEC. 3. Any violation of the provisions of this act shall constitute a misdemeanor.

Passed the Senate February 27, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 130.

[S. B. 184.]

MILITARY CODE.

AN ACT relating to the Militia, providing for the organization, maintenance and training thereof, prescribing penalties for violation of the provisions thereof, repealing laws in conflict, and fixing the effective date thereof.

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

SECTION 1. *Designation.*

Designation.

This act shall be known as the Military Code of the State of Washington.

SEC. 2. *Composition of the Militia.*

Composition of militia.

The Militia of the State of Washington shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age and said Militia shall be divided into two classes, the Organized Militia and the Unorganized Militia.

SEC. 3. *Governor as Commander-in-Chief.*

Governor Commander-in-Chief.

The Militia of the State not in the service of the United States shall be governed and its affairs administered pursuant to law, by the Governor, as Commander-in-Chief, through the Adjutant General's Department, which shall consist of The Adjutant General as its executive head.

Adjutant General executive head.

SEC. 4. *Composition of Organized Militia.*

Composition of organized militia.

The Organized Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, organizations, staffs, corps, and departments of the regularly commissioned, warranted and enlisted Militia of the State, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms,

Governor to prescribe.

equipment, training and discipline shall be prescribed by the Governor in conformity with, and subject to the limitations imposed by the laws and regulations of the United States and the laws of this state: *Provided, however,* That the minimum enlisted strength of the Organized Militia of this State shall never be less than two thousand.

Minimum strength.

Conform to Federal laws.

SEC. 5. *Declaration of Policy.*

The Governor shall cause the Organized Militia of this State at all times to conform to all Federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. Except as and when otherwise specifically provided by Federal laws, the Organized Militia of Washington, or any part thereof, shall be subject to call for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States.

Subject to call by U. S.

Revert to former status upon release.

In conformity with the provisions of Federal statutes, officers and enlisted men of the Organized Militia called or drafted into Federal service by order or proclamation of the President of the United States, shall upon release from Federal service revert to their former status, grade and rank, as members of the Organized Militia of Washington, and shall continue to serve in the Organized Militia of Washington until separated therefrom in the manner provided by law.

Governor may order active duty under certain conditions.

SEC. 6. *Governor may order out Organized Militia.*

In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger

of the occurrence of any of said events, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the Governor believes that such failure is imminent, or in event of public disaster, the Governor shall have power to order the Organized Militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as he shall deem proper.

When militia may be called to active duty.

SEC. 7. *Governor's Decision Final.*

Governor's decision final.

Whenever any portion of the Militia is ordered to duty by the Governor, the decision of the Governor shall be final, incontrovertible, and unimpeachable.

Whenever any portion of the Militia has been ordered out by the Governor, it shall be deemed that local law and order and the enforcement thereof has failed, and that the Militia shall become an additional police power, retaining its separate entity and operating at all times as a military organization under military command, to cooperate with existing peace forces wherever possible, for the reestablishment of law and order and for the protection of life and property.

To cooperate with other law forces.

SEC. 8. *Proclamation of Complete or Limited Martial Law.*

Governor may proclaim martial law.

The Governor may by proclamation declare the county or city in which troops are serving, or any specific portion thereof, to be under either complete or limited martial law to the extent, in his opinion, that the reestablishment or maintenance of law and order may be promoted.

"Complete Martial Law" is the subordination of all civil authority to the military;

Definitions.
Complete martial law.

"Limited Military Law" is a partial subordination of civil authority by the setting up of an additional police power vested in the military force which shall have the right to try all persons apprehended by it in such area by a military tribunal or

Limited martial law.

turn such offender over to civil authorities within five days for further action, during which time the writ of habeas corpus shall be suspended in behalf of such person.

Habeas
corpus
suspended.

Unorganized
militia may
be called
under certain
conditions.

SEC. 9. *Governor may order out Unorganized Militia.*

In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, if the Governor shall have ordered into active service all of the available forces of the Organized Militia of Washington and shall consider them insufficient in number to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

When
organized
militia is
insufficient.

Perform
military
duty.

Penalty for
failure to
report.

SEC. 10. *Penalty for failure to obey call.*

Any member of the Militia who shall have been ordered out for either State or Federal service and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer, shall be deemed guilty of desertion, and shall suffer such penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he was physically unable to appear at the time and place designated: *Provided*, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

Desertion.

Court-
martial.

Proviso.

Penalty
for false
certificate.

SEC. 11. *Penalty for Physician making false certificate.*

Any physician who shall knowingly make and deliver a false certificate of physical disability concerning any member of the Militia who shall have been ordered out or summoned for active service shall be guilty of perjury and, upon conviction, as

Perjury.

an additional penalty, shall forfeit forever his license and right to practice his profession in this state. Forfeit license.

SEC. 12. General definitions. Definitions.

When used in this act, the following words, terms, phrases shall have the following meaning:

The word "Militia" shall mean the military forces provided for in the Constitution and Laws of the State of Washington. Militia.

The term "Organized Militia" shall be the general term to include both State and National Guard and whenever used applies equally to all such organizations. Organized militia.

The term "National Guard" shall mean that part of the military force of the State that is organized, equipped and Federally recognized under the provisions of the National Defense Act of the United States, and shall also include the "Washington State Guard" or any temporary organization set up in times of emergency to replace either the "National Guard" or "State Guard" while in actual service. National Guard.

The term "Active Service" shall be construed to be any service on behalf of the State, or at encampments whether ordered by State or Federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the Federal service by the President of the United States. Active service.

The term "On Active Duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under State or Federal laws, regulations, or orders. On active duty.

The terms "In Service of United States" and "Not In Service of United States" as used herein shall be understood to mean the same as such terms when used in the National Defense Act of Congress and amendments thereto. In service of U. S.

Members
not liable
for acts in
line of duty.

SEC. 13. *Suits against Officers or Enlisted Men.*

Members of the Militia ordered into active service of the State by any proper authority shall not be liable civilly or criminally for any act or acts done by them while on such duty nor shall any action lie against any officer or enlisted man for any acts done by him in line of duty by virtue of any order which may thereafter be held invalid by any civil court. When a suit or proceeding shall be commenced in any court by any person against any officer or enlisted man of the Militia for any act done by such officer or enlisted man in his official capacity or in the discharge of any duty, or against any person acting under the authority or order of such officer or by virtue of any warrant issued pursuant to law, the defendant may require the person prosecuting or instituting the proceeding to give security for the payment of all costs that may be awarded to the defendant, and the defendant in all cases may make a general denial and, under such general denial, give all other or any special defense matter in evidence. In case the plaintiff shall be non-suited or the verdict or judgment be in favor of the defendant, treble costs shall be assessed against the plaintiff. The defendant in such action shall be defended by the Attorney General at the expense of the state, but private counsel may also be employed by the defendant. The venue of all such actions shall be Thurston County and the State of Washington shall be in all cases a necessary party defendant.

May require
security
for costs.

Treble costs
against
plaintiff.

Attorney
General
to defend.

Venue in
Thurston
county.

SEC. 14. *Not Liable for Exercise of Judgment.*

The commanding officer of any of the military forces of the State of Washington engaged under the order of proper authority in the suppression of insurrection, the dispersion of a mob, the protection of life or property, or the enforcement of the laws, shall exercise his discretion as to the propriety of the means to be used in controlling or dispersing of any

Discretion of
commanding
officer.

mob or other unlawful assembly and, if he exercises his honest judgment thereon, he shall not be liable in either a civil or criminal action for any act done in line of duty.

Not liable for acts in line of duty.

SEC. 15. *Personal staff for Governor.*

Personal staff of Governor.

Whenever the Governor shall desire the attendance of a personal staff upon any occasion, he shall detail therefor officers from the active list of the Organized Militia of Washington; the officers detailed shall attend in uniform and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

SEC. 16. *Duties of the Adjutant General.*

Adjutant General chief-of-staff.

The Adjutant General shall be chief of staff to the Governor. He shall not be removed from office except for cause as provided by the military laws of this state. He shall appoint the civilian employees and other personnel of his department and may remove any of them in his discretion.

Removal only for cause.

The expenses of the Adjutant General's Department, necessary to the military service, shall be audited, allowed and paid as other military expenditures. The Adjutant General must execute an official bond running to the State of Washington in the penal sum of twenty thousand (\$20,000) dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the Attorney General for approval, and when approved to be filed in the office of the Secretary of State, the cost of said bond to be paid by the state. The Adjutant General may obtain and pay for, from funds appropriated for military purposes, a surety bond or bonds running to the State of Washington covering such officers of the Organized Militia of Washington responsible to the state for money or military property, as he may deem advisable to insure proper accountability, such bond or bonds to be approved and filed in the same manner as the Adjutant General's bond.

Payment of expenses.

Bond.

Approval and filing.

Bonds of officers.

Records to
be kept.

a. The Adjutant General shall keep rosters of all active, reserve and retired officers of the Militia of the State, and all other records, and papers required to be kept and filed therein, and shall submit to the Governor during October of each even numbered year a biennial report of the operations and conditions of the Organized Militia of Washington.

Biennial
report to
Governor.

Publications.

b. He shall cause the military law, and such other military publications as he may deem necessary for the military service, to be prepared and distributed at the expense of the state, to the commissioned officers of the Organized Militia of Washington.

Accounts.

c. He shall keep just and true accounts of all monies received and disbursed by him.

Commissions.

d. He shall attest all commissions issued to military officers of this state.

Reports.

e. He shall make out and transmit all Militia reports, returns and communications prescribed by Acts of Congress or by direction of the War Department.

Official
seal.

f. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of the Adjutant General shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with said seal.

Make rules.

g. He shall make such regulations pertaining to the preparation of reports and returns and to the use, maintenance, care and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

Safeguard
military
property.

h. He shall attend to the care, preservation, safekeeping and repairing of the arms, ordnance, accoutrements, equipment and all other military prop-

erty belonging to the state, or issued to the state by the Government of the United States for military purposes, and keep accurate accounts thereof. Any property of the state military department which after proper inspection, shall be found unsuitable or no longer needed for use of the state military forces, shall be disposed of in such manner as the Governor shall direct and the proceeds thereof used for replacements in kind or other needed authorized military supplies, and the Adjutant General is hereby authorized to execute the necessary instruments of conveyance to effect such sale or disposal.

Duties of
Adjutant
General.

Execute
conveyances.

i. He shall issue such military property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned to persons or organizations other than those belonging to the Militia of Washington, except in an emergency and then only with the approval of the Adjutant General.

Control of
military
property.

j. He shall keep on file in his office the reports and returns of military units, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the State Militia.

Keep reports
of units.

k. He shall keep all records of Washington volunteers commissioned or enlisted for all wars or insurrections, and of individual claims of citizens of Washington for service rendered in these wars or insurrections, and he shall also be the custodian of all records, relics, trophies, colors and histories relating to such wars now in possession of, or which may be acquired by the State of Washington.

Custodian
of records.

l. He shall establish and maintain as part of his office a bureau of records of the services of the Organized Militia of the State of Washington and upon request furnish a copy thereof or extract therefrom, attested under seal of his office, and such attested copy shall be *prima facie* proof of service, birthplace and citizenship.

Service
records of
organized
militia.

Control of
real property.

m. He shall keep a record of all real property owned or used by the state for military purposes, and in connection therewith he shall have sole power to execute all leases to acquire the use of real property by the State of Washington for military purposes or lease the same to other agencies for use for authorized activities. He shall also have full power to execute and grant easements for rights of way for construction, operation and maintenance of utility service, water, sewage and drainage for said realty.

Advisory
Council
created.

SEC. 17. *Advisory Council.*

There is hereby created an advisory council to consist of the Adjutant General, one (1) member of his staff, to be designated by him and the five (5) senior officers from the rest of the Active Officer personnel of the Organized Militia. This council shall meet annually during the first week in February of each year on a date to be fixed by the Adjutant General, and may be called for special meeting by the Adjutant General, the Governor, or upon notice signed by at least four (4) members thereof. All special meetings must state nature of business requiring such call. The attendance of five (5) members shall be necessary for a quorum to transact business at any meeting.

Meet
annually.

Special
meetings.

Quorum.

Duties of
Advisory
Council.

SEC. 18. *Duties of Advisory Council.*

It shall be the duty of the Advisory Council to advise with the Adjutant General on a program for training of the Organized Militia; the allocation of units; discipline of the commissioned and enlisted personnel; coordination with Federal requirements; determination of questions affecting seniority and promotion; use or rental of state owned armories for non-military purposes; do and perform such other duties as may be required by the Governor or Adjutant General, and, in case of vacancy in office of the Adjutant General, to certify a list of those eligible.

SEC. 19. *Officers to be Commissioned by the Governor.*

Governor to commission or warrant officers.

All commissioned and warrant officers of the Organized Militia of Washington shall be appointed and commissioned or warranted by the Governor only as hereinafter provided. No person shall be so appointed and commissioned or warranted unless he shall be a citizen of the United States and of this state and more than twenty-one (21) years of age. Every commissioned and warranted officer shall hold office under his commission or warrant until he shall have been regularly appointed and commissioned or warranted to another rank or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Limitations.

Terms.

SEC. 20. *Commissioned and Warrant Officers.*

Examinations for officers.

No person shall be appointed and commissioned or warranted to any office in the Organized Militia of Washington unless he shall have been examined and adjudged qualified therefor by an examining board, appointed by the Adjutant General, and whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct.

Board appointed.

Procedure.

SEC. 21. *Adjutant General; How chosen.*

Adjutant General: How chosen.

Whenever a vacancy has occurred, or shall be about to occur in the office of the Adjutant General of this state, the Governor shall order to active serv-

Selected
from active
list.

ice for that position from the Active List of the Organized Militia of Washington an officer not below the rank of a Field Officer who shall have had at least ten (10) years service as an officer of the Active List of the Organized Militia during the fifteen (15) years next prior to such detail. The officer so detailed shall during the continuance of his service as the Adjutant General hold the rank of a General Officer.

Holds rank
of general
officer.

Acting
adjutant
general.

If, by reason of the call or draft of officers of the Organized Militia of Washington into Federal service, there shall be no officer of the Organized Militia possessing the requisite qualifications available for detail as the Adjutant General, then the Governor may appoint any officer or former officer of the Organized Militia of Washington as acting Adjutant General: *Provided*, That in the event the officer on detail as the Adjutant General is appointed, called or drafted into the military service of the United States by order or proclamation of the President, he shall be granted leave of absence by the Governor, and such officer shall be entitled, upon release from Federal service, to return to his former status as the Adjutant General of Washington, and during the period such Adjutant General is in Federal service, the duties of the office of the Adjutant General shall be performed by an acting Adjutant General, appointed by the Governor, as hereinbefore provided, and who shall receive the pay provided for the Adjutant General during the period of such assignment.

Proviso.

Rules govern
selection
of staff
officers.

SEC. 22. *Staff Officers; How chosen.*

Vacancies in commissioned ranks in administrative staff, corps and departments shall be filled by detail as the Governor shall have prescribed in regulations conforming as nearly as practicable with Federal laws and regulations governing the filling of similar vacancies in the Federal service: *Provided*, That no officer shall be detailed to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or de-

Written
consent of
officer.

partment shall not affect his rank, relative seniority, or right to promotion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned to fill such vacancy with rank from the date of the occurrence thereof: *Provided*, That no staff officer may be relieved, except at his own request unless there is a vacancy in his branch or arm of the service in the rank which he holds, to which he shall be assigned.

Rank not affected.

Proviso.

SEC. 23. *Eligibility for Staff Assignment.*

Eligibility for staff.

Staff officers of the Organized Militia of Washington hereafter detailed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four (64) years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by detail from the qualified officers of the Organized Militia of this State.

SEC. 24. *Commissioned Officers; Selection.*

Junior officers chosen by examination.

Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the Organized Militia of Washington, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the service wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate.

SEC. 25. *Commissioned Officers; Promotion.*

Vacancies filled by promotion.

Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of

the Organized Militia of Washington other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same rank and branch or arm of the service resident at the station of said company or similar unit, or by the promotion of the senior officer of the next lower rank of the same branch or arm of the service resident at that station.

Staff
vacancies:
How filled.

SEC. 26. *Commissioned Officers; Detail to Staff.*

Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion or other unit of the Organized Militia of Washington, the same shall be filled by the assignment thereto of an officer of the same rank and branch or arm of the service, or by the promotion of the senior officer of the next lower rank of the same unit.

Field officers:
How chosen.

SEC. 27. *Field Officer; How Chosen.*

Whenever a vacancy shall have occurred in the rank of major in the line of the Organized Militia of Washington, the same shall be filled as follows:

Major.

a. If the command is at the same station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain of the same branch or arm of the service resident at said station.

b. If the command is not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

Colonel or
Lieut.
Colonel.

Whenever a vacancy shall have occurred in the rank of colonel or lieutenant colonel, it shall be filled by promotion of the next senior officer of such command, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

Brigadier
General.

Whenever a vacancy shall have occurred in the rank of brigadier general of the line, it shall be filled

by the promotion of the senior officer of the line of the Organized Militia of Washington of the next lower rank.

SEC. 28. *Officer may waive right to promotion.*

May waive
right in
writing.

Any officer of the Organized Militia of Washington may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion, shall be entitled thereto.

SEC. 29. *Officer to take oath.*

Oath and
bond.

Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

SEC. 30. *Oath, form of.*

Form of
oath.

The oath of office for commissioned and warrant officers in the Organized Militia of Washington shall be substantially as follows: "I,....., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Washington, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of..... in the Organized Militia of the State of Washington upon which I am about to enter, so help me God."

SEC. 31. *Dismissal of officers.*

Dismissal
of officers.

The Governor may dismiss any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Causes for
dismissal
of officers.

- a. Conviction of an infamous crime.
- b. Absence from his command for more than thirty (30) days without proper leave.
- c. Sentence of dismissal by court-martial, duly approved.
- d. Upon muster out of the organization to which such officer is then assigned.
- e. Acceptance of resignation of such officer: *Provided*, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and Federal monies, and military property for which he shall be accountable or responsible.
- f. Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.
- g. Incompetence or unfitness for military service as determined by the duly approved findings of a Board of Inquiry appointed for that purpose by the Adjutant General.

Promotion
list to be
kept.

SEC. 32. *Seniority of Officers.*

It shall be the duty of the Adjutant General to establish and maintain in his office a promotion list, upon which list shall be entered the name of each officer of the active list of the Organized Militia of Washington, assigning the senior officer in each rank number one (1) and continuing lineally thereafter in each, in order of seniority.

In determining seniority, each officer shall take rank from the date stated in his present commission.

Retirement
of officers.

SEC. 33. *Retirement of Officers.*

Commissioned officers of the Organized Militia of Washington shall be retired by order of the Commander-in-Chief with the rank respectively held by them at the time of such retirement for the following reasons:

a. Unfitness for military service by reason of permanent physical disability. Causes for retirement.

b. Upon request after at least five (5) years continuous service as an officer in the Organized Militia of Washington.

Commissioned officers of the Organized Militia of Washington shall upon reaching the age of sixty-four (64) years be retired by order of the Commander-in-Chief in the next higher rank to that held at the time of such retirement.

Retired officers shall draw no pay or allowance except when on active duty.

They shall be subject with their consent to temporary detail on active duty by the Commander-in-Chief and while on such duty shall receive the same pay and allowances as officers of like rank on the active list.

SEC. 34. *Reserves.*

National Guard Reserve.

The National Guard Reserve of this state shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. Any officer of the National Guard Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his rank, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

Consent required.

Restore by examination.

SEC. 35. *Period of enlistment.*

Enlistment period three years.

The period of enlistment in the Organized Militia of Washington shall be for three (3) years: *Provided*, That no original enlistment may be consum-

Proviso.

mated unless the term thereof can be completed before the applicant attains the age of sixty-four (64).

Provisions
of discharge.

SEC. 36. *Discharge of enlisted men.*

An enlisted man discharged from service in the Organized Militia of Washington shall receive a notice of discharge in writing in such form and classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

SEC. 37. *Uniform allowance to officers.*

Provide at
own expense.

Every commissioned officer of the Organized Militia of Washington shall within sixty (60) days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the uniform and equipment prescribed by the Governor for his rank and assignment.

Uniform
allowance.

There shall be audited and paid to each properly uniformed and equipped officer of the Active list of the Organized Militia of Washington, not in Federal service an initial uniform allowance of one hundred dollars (\$100.00) and annually thereafter for each twelve months state service an additional uniform allowance of fifty dollars (\$50.00), subject to such regulations as the Commander-in-Chief may prescribe to be audited and paid upon presentation of proper voucher therefor: *Provided*, That all officers on the Active list on March 31, 1943, and not in Federal service, shall be paid the initial uniform allowance, and thereafter the annual allowance as herein provided.

Proviso.

State retains
title to
property.

SEC. 38. *Property to remain public property.*

All property issued to organizations and members of the Organized Militia of Washington shall be and remain public property.

SEC. 39. *Uniforms, etc. exempt.*

Tax exempt.

The military uniforms, arms and equipment of members of the Organized Militia of Washington shall be exempt from execution and taxation.

SEC. 40. *Compensation for injuries.*

Compensation for injuries.

If any officer or enlisted man of the Organized Militia is wounded or otherwise disabled while in active state service as a member of the military force, he shall receive from the State of Washington just and reasonable relief in the amount to be determined as hereinafter provided, including necessary medical aid. In case such officer or enlisted man dies from disease contracted or injury received or is killed while in active state service under order of the Governor, then the dependents of such deceased shall receive such compensation as may be allowed as hereinafter provided. All claims arising under this section shall be inquired into by a board of three (3) officers, at least one (1) being a medical officer, to be appointed by the Adjutant General. Such board to have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and punish their failure to do so as is possessed by a general court martial. The amount of compensation or benefits payable shall conform as nearly as possible to the general schedule of payments and awards provided under the Workmen's Compensation Law in effect in the State of Washington at the time the disability or death occurred. The findings of the board shall be reviewed by the Adjutant General and submitted to the Governor for final approval. The reviewing officer or the Governor may return the proceedings for revision or for the taking of further testimony. The action of the board when finally approved by the Governor shall be final and conclusive and shall constitute the

Payment for death.

Inquiry board.

Subpoena witnesses and compel attendance.

Benefits conform to Workmen's Compensation Law.

Review of findings.

Final approval

fixed award for such injury or loss and shall be a debt of the State of Washington.

Compensation monthly.

SEC. 41. *Audit and payment of awards.*

All compensation shall be payable in monthly installments and shall be audited and paid as any other claim against the military department and shall be payable from the general fund out of any monies not otherwise appropriated.

Payment of claims.

SEC. 42. *Payment of military claims.*

All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the Governor and shall be paid by the State Treasurer upon the warrant of the State Auditor from funds available for that purpose: *Provided, however,* That in all cases where the Organized Militia, or any part thereof, is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to execute or enforce the laws, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the State Treasury and paid out of any monies in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Proviso.

SEC. 43. *Pay of officers and enlisted men.*

Commissioned officers, warrant officers, and enlisted men of the Organized Militia of Washington, while in active service, during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be entitled to and shall receive the pay and allowances provided by Federal laws and regulations for commissioned officers, warrant officers and enlisted men of the United States Army: *Provided,* That for travel, officers shall receive only their actual necessary expenses.

Pay of military personnel.

Proviso.

Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the Commander-in-Chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two (\$2) dollars per day.

Extra duty pay.

The value of articles issued to any enlisted man and not returned in good order on demand, and legal fines or forfeitures, may be deducted from such enlisted man's pay.

Damage to property deductible.

All officers not regular state employees detailed to serve on any board or commission ordered by the Governor, or on any court of inquiry or court-martial ordered by proper authority, shall be paid a sum equal to one (1) days active duty for each day actually employed on such board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto all necessary traveling expenses and subsistence when such duty shall be at a place other than the city or town of his residence.

Pay for detailed service.

Travel expense and subsistence.

SEC. 44. *Camp duty.*

Annual encampment.

The Governor shall cause the Organized Militia to perform each year, such camp duty, field maneuvers or other duty as in his judgment will best promote the discipline and efficiency of the force.

SEC. 45. *Exemptions while on duty.*

Exempt from arrest with certain exceptions.

No person belonging to the military forces of this State shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading, or performing any duty according to the law shall have the right of way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will

Right of way.

Proviso.

be caused thereby: *Provided*, That the carriage of the United States mail and legitimate functions of the police and fire departments shall not be interfered with thereby.

Penalty for interference with employment.

SEC. 46. *Interference with employment.*

A person, who either by himself, or with another, wilfully deprives a member of the Organized Militia of Washington of his employment or prevents, by himself or another, such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member, or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a gross misdemeanor and on conviction thereof shall be fined in a sum not exceeding five hundred (\$500) dollars, or imprisonment in the county jail not more than six (6) months, or by both such fine and imprisonment.

Gross misdemeanor.

Discrimination punishable.

SEC. 47. *Rights of members of the Organized Militia.*

No club, society, association, corporation, or organization shall by any constitution, rule, by-laws, resolution, vote or regulation, or otherwise, discriminate against any member of the Organized Militia of Washington because of his membership in said Organized Militia, in respect to his eligibility to membership in such club, society, association, corporation or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization, violating or aiding, abetting, or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred (\$100) dollars and in addition thereto shall forfeit right to do business for a period of thirty (30) days.

Misdemeanor.

Penalty.

SEC. 48. *Discharge from employment.*

No member of the Organized Militia of Washington shall be discharged by his employer by reason of the performance of any military duties upon which he may be ordered. When any member of the Organized Militia of Washington is ordered upon active duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of duty shall have continued for a period not longer than three (3) months, any employer or the officer or manager of any firm or corporation having authority to re-employ such member and failing to do so shall be guilty of a gross misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred (\$500) dollars, or imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Members protected in employment.

Penalty for violation.

SEC. 49. *Corporations may be formed.*

The officers, or the officers and enlisted men of any regiment, battalion, company or similar unit of the Organized Militia of Washington, or the officers and enlisted men of any two (2) or more companies or similar units of the Organized Militia of the State of Washington, located at the same station, are hereby authorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such corporations shall not be required to pay any filing or license fee to the state.

May form corporations.

Purposes.

No filing fee.

The dissolution or disbandment of any such unit as a military organization shall not in itself terminate the existence of the corporation, but the existence of the same may continue for the period limited in its articles of incorporation for the benefit of such corporation.

Life of corporation.

Dissolution
when not
incorporated.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the State of Washington, and the Adjutant General shall take possession thereof and dispose of the same to the best interest of the Organized Militia of Washington.

Allowances
for incidental
expenses.

SEC. 50. *Allowances for incidental expenses.*

Schedule
of amounts.

Each commanding officer of the Organized Militia, not in Federal service, shall be entitled to receive an allowance for the incidental expenses of his command payable quarterly in advance according to the following schedule: Companies, batteries and like units, not to exceed twenty-five (\$25) dollars per month; bands not to exceed fifteen (\$15) dollars per month; regiments and like units not to exceed twenty-five (\$25) dollars per month.

Payable
quarterly in
advance.

Each officer entitled to a quarterly allowance under this section shall receive in advance the maximum quarterly allowance, but with his claim for subsequent allowance, he shall report any balance remaining unexpended from the last previous quarter, and for each succeeding quarter such officer shall be reimbursed for the expenditures thus made but not to exceed the maximum allowance above prescribed. Each claim for quarterly allowance shall include an account current showing the items of expenditure and shall be accompanied by subvouchers for all items, each voucher stating definitely the nature and amount of the expenditure evidenced thereby. Said accounts shall be audited at least annually by an officer senior in rank to the accountable officer.

Report
unexpended
balances.

Items
vouchered.

State to provide
transportation.

SEC. 51. *Transportation and subsistence.*

There shall be provided by the state, transportation for all officers, and transportation and subsistence for all enlisted men who shall be ordered out

for encampment, field duty, or assembled for duty in case of riot, tumult, breach of the peace, war, insurrection, invasion or imminent danger thereof. Necessary transportation, quartermasters' stores and subsistence for troops when ordered on duty shall be contracted for by the proper officers and paid for as other military bills.

Subsistence when on duty.

SEC. 52. *Authority of commanding officer.*

Authority of commanding officer.

The commanding officer at any drill, parade, encampment or other duty may cause those under his command to perform any military duty he shall require, and may place in arrest for the time of such drill, parade, encampment or other duty any officer or enlisted man who shall disobey the lawful orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he may prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling therein, and remove disorderly persons beyond the limits of such parade or encampment, or within a distance of two miles therefrom, and he shall have full authority to abate as common nuisances all disorderly places, and bar all unauthorized sales within such limits. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred (\$100) dollars, or imprisoned not more than thirty (30) days, or by both such fine and imprisonment.

Penalty for violation.

No license or renewal thereof shall be issued or granted to any person, firm or corporation for the sale of intoxicating or spirituous liquors within a dis-

Limitation on liquor licenses.

tance of three hundred (300) feet from any armory used by the State of Washington for military purposes, without the approval of the Adjutant General.

Transmission
of notice
for duty.

SEC. 53. *Notice for duty.*

Orders for duty may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at his last known place of abode or business, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such man by mail, directed to him at his last known place of abode or business. Orders may be transmitted by telegraph or telephone. Such warning may be given by any officer or authorized enlisted man. The officer or enlisted man giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified on oath and shall be *prima facie* evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

Return may
be required.

Authorized
military
organiza-
tions.

SEC. 54. *Authorized military organizations.*

No body of men other than the recognized Militia organizations of this State, armed forces of the United States, students of educational institutions where military science is a prescribed part of the course of instruction or *bona fide* veterans organizations shall associate themselves together as a military company or organize or parade in public with fire arms: *Provided*, That nothing herein shall be construed to prevent authorized parades by the Organized Militia of another state or armed forces of foreign countries. Any person participating in any such unauthorized organization shall be guilty of a misdemeanor.

Proviso.

Penalty for
violation.

SEC. 55. *Unlawful wearing of military insignia.*

Misuse of
insignia.

It shall be a misdemeanor for any person to wear any uniform or any device, strap, knot or insignia of any design or character used as a designation of grade, rank of office, or branch of service, such as are by law or by regulation duly promulgated, prescribed for the use of the Militia, except members of the military or naval forces of the United States, the Organized Militia of this or any other state, honorably discharged members of the armed forces of the United States of America, members of veteran associations and cadet students in educational institutions where military science is a prescribed course of instruction: *Provided*, That this section shall not apply to regalia used by secret or fraternal organizations worn while exemplifying their ritual or strictly incidental to organizations' activities, or to actors in their regular roles, or to duly qualified peace officers of this state or any subdivision thereof.

Exceptions

SEC. 56. *Military tribunals.*

Military
tribunals.

The military tribunals of the State of Washington shall be of two (2) kinds, viz:

1. Courts-martial for the trial of offenders against the military law, and

Courts-
martial.

2. Courts of inquiry for examining transactions of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Washington.

Courts of
inquiry.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Washington shall be eligible for detail to such courts, but no officer other than the officer detailed as Recorder or Judge Advocate will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

Composition
of courts.

SEC. 57. *Military courts.*

Military
courts.

The military courts of the Organized Militia of the State of Washington shall be of the following classes:

1. General courts-martial.

2. Special courts-martial.
3. Summary courts-martial.

Procedure
of military
courts.

They shall be respectively constituted like and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the law and regulations of the United States Army. They may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

Convened
by order.

Power of
general
courts-
martial.

SEC. 58. *General courts-martial.*

General courts-martial shall have the power and jurisdiction to impose fines not exceeding two hundred (\$200) dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two (2) or more of such punishments may be combined in the sentence imposed by such courts.

Power of
special
courts-
martial.

SEC. 59. *Special courts-martial.*

Special courts-martial shall have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Washington, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed one hundred (\$100) dollars.

Power of
summary
court officer.

SEC. 60. *Summary Court Officer.*

The commanding officer of each resident, detached battalion, company or other detachment of

the Organized Militia of Washington, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and to try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court may impose fines not exceeding twenty-five (\$25) dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal.

Power of
summary
court
officer.

SEC. 61. *Sentence to confinement.*

Sentence to
confinement.

All military courts of the Organized Militia of Washington shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentence of confinement shall not exceed one (1) day for each dollar of fine authorized.

SEC. 62. *Sentence, when to be approved by the Governor.*

Approval of
sentence by
Governor.

No sentence or dismissal or dishonorable discharge from the service imposed by any military court shall be executed until approved by the Governor.

SEC. 63. *Jurisdiction of military courts.*

Jurisdiction
of military
courts.

Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Washington, and over members of the Unorganized Militia of Washington who shall be under orders for military duty, for all military offenses.

SEC. 64. *Non-liability of military courts.*

Members of
courts not
liable.

No action or proceeding for damages shall be prosecuted or maintained against a member of a military court or persons acting under its authority or reviewing its proceedings on account of the imposition, or approval or collection of any fine or enforcement of any other penalty, or the execution of any warrant, writ or other process of a military court.

Technical
rules of
evidence
waived.

SEC. 65. *Courts not bound by technical rules.*

Military courts are not to be bound by technical rule of evidence prevailing in civil tribunals and may depart therefrom when in their opinion the exigencies of the case, and the best interests of the service or the ends of justice may better be served. Copies of all general and special orders may be received in evidence when attested by the signature of any officer having custody of an official copy of such order; and in case a written copy of such order cannot be procured without delay or inconvenience, oral testimony as to its contents may be received and all military courts may take judicial notice of the signature and handwriting of any commissioned officer of the Organized Militia.

Jurisdiction
and legality
presumed.

SEC. 66. *Regularity of proceedings presumed.*

The proceedings of military courts shall not be vitiated by reason of mere irregularity, want of form or other technical defect, unless it is affirmatively made to appear, upon review or appeal, that the accused has been denied a fair hearing and has been materially injured thereby. In all cases where the sentence of a military court has been approved by the reviewing authority, the jurisdiction of said court and the legality of all its proceedings shall be presumed and on approval of such sentence, or in any civil proceedings, the burden of rebutting such presumption by competent evidence shall rest with the appellant or contestant in any such appeal or civil proceedings.

Arrests when
on active
duty.

SEC. 67. *Officers and men may be arrested.*

When on active duty, officers and men who have committed offenses in violation of the articles of war may be immediately placed in arrest, and, if enlisted men, in confinement, at the discretion of their commanding officer: *Provided, however,* That at the time of such arrest a general statement of the

charges to be preferred shall be made, and that charges and specifications as provided by law shall be filed within thirty-six (36) hours of the arrest or confinement, otherwise the arrest or confinement shall cease.

Time limit for filing charges.

For offenses committed by officers and enlisted men while on duty, or when ordered to duty, they may not be placed in arrest or confinement prior to trial, unless the offense is one involving a serious lapse of military discipline, or a violation of the criminal laws of the state, or in the judgment of the officer preferring the charges, the arrest before trial is necessary to preserve discipline or to secure the attendance of the prisoner for trial.

Limitation of confinement.

SEC. 68. Offenders to be turned over by superior officer.

Every officer or enlisted member of the military forces while on active duty, who shall wilfully commit a felony, shall, except where either complete or limited martial law has been declared, be turned over by his superior officers to the proper civil authorities of the county in which the offense occurred, for prosecution, but such trial and punishment by the civil authorities shall not preclude trial and additional punishment or dismissal from the service by court-martial for any military offense resulting from the commission of said crime: *And, provided further,* That trial, acquittal or conviction by military court, shall not constitute a defense or former jeopardy on a trial by a civil court or vice versa.

Felons subject to civil and military law.

Former jeopardy not defense.

SEC. 69. Charges; How preferred.

Charges shall be preferred in writing by a commissioned officer, and shall contain a general statement of the offense charges, and a reference to the particular section of the military code and corresponding articles of war claimed to have been violated.

Charges preferred in writing

Service of charges upon accused.

SEC. 70. *Accused shall be summoned.*

Upon approval of the charges and specifications, a copy thereof, together with a notice signed by the presiding officer of the court or the commanding officer of the accused, requiring said accused to appear before said court at the time and place therein designated, and answer the charges thereto annexed, shall be served upon him, by delivering to him or leaving at his last known place of abode, a true copy thereof, or by mailing the same to him at least five (5) days before the date set for his appearance. The appearance of the accused shall waive any irregularity in the service of such papers.

Warrant follows default.

SEC. 71. *Default in appearance.*

Upon proof of service of such a notice to appear or of mailing the same, and default of the appearance of such accused at the time and place designated for trial, the president or officer of the court shall issue his warrant for the arrest of the delinquent, directed to the sheriff of the county or other peace officer who shall forthwith execute said warrant and make proper return thereof, and produce the accused, if within said county, and retain such one in custody until the conclusion of the trial, unless sooner discharged by the order of the court. The court, in its discretion may also direct any suitable person on active military duty to execute said warrant.

Sheriff or other peace officer to execute.

Accused entitled to bail.

SEC. 72. *Restraint pending trial.*

Every accused person who shall have been arrested for failure to appear for trial as herein provided shall be entitled to be admitted to bail and the amount of the bail shall be endorsed on the warrant at the time the same is issued. In default of bail such person shall be confined, pending trial: *Provided*, That no person shall be kept in prison or jail pending trial for more than five (5) days.

Default of bail.

Proviso.

SEC. 73. *Process.*

Courts may issue processes.

Military courts are empowered to issue all processes and mandates including writs and warrants

necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the Sheriff of any county or other peace officer and shall conform substantially with those used by the civil courts. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate. The keepers and jailers of all county and city jails shall receive any person committed by the process or mandate of any military court, and shall confine such one in the manner prescribed thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon such fine and assessed costs with the sum of one (\$1) dollar for each day so confined.

Sheriff to execute processes.

Jailers to receive persons committed.

Rate of service of fines.

SEC. 74. *Contempt of court.*

Contempt of court.

Any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or who shall use any insulting, or contemptuous, or indecorous language or expression to or before any military court, or any member of such court, in open court, tending to interrupt its proceedings, or to impair the respect due to its authority, or who shall commit any breach of the peace, may be committed by warrant issued by the president of the court, to the jail of the city or county in which said court shall sit, there to remain without bail in close confinement for a definite time not exceeding three (3) days.

Penalty.

SEC. 75. *Evidence in military court.*

Courts have power of subpoena.

Every military court shall have the same power to compel by subpoena, by subpoenas *duces tecum*, and by attachment, the attendance of witnesses, both civilian and military, the production of books, papers and documents, and to punish for contempt, a witness duly subpoenaed for non-attendance or refusal

Power same as Superior Courts.

to be sworn or to testify, or to produce books, papers and documents as is possessed by the Superior Courts of this state. Military courts shall also have the same power to take or cause to be taken the depositions of witnesses who cannot reasonably be produced at the trial, as Superior Courts.

Failure of witness to appear or testify is misdemeanor.

SEC. 76. *Witnesses.*

Every person, not belonging to the Organized Militia of Washington, having been duly subpoenaed to appear as a witness before a military court, who shall wilfully neglect or refuse to appear or qualify as a witness or testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable or jailer who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall refuse or wilfully or negligently fail to execute or serve the same shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than one hundred (\$100) dollars or imprisonment not to exceed thirty (30) days, or both: *Provided*, That no witness shall be compelled to answer any questions which may tend to incriminate or degrade himself. It shall be the duty of the Prosecuting Attorney of any county, on the certification of the facts to him by the president or senior member of the court, to file an information in the Superior Court and prosecute the person so offending.

Penalty.

Proviso.

Duty of Prosecuting Attorney.

Copy of order to accused.

SEC. 77. *Accused to receive copy of order; Form of order.*

A copy of the order approving the sentence shall be handed to the accused or mailed to his last known address, and if the fine and costs imposed by the court are not paid to the presiding officer, judge advocate or other officer authorized to receive the same, within five (5) days after the time specified in the order, the president or other officer of the court shall issue, a warrant for commitment of such delinquent

Penalty for failure to comply with sentence.

offender, commanding the sheriff or other peace officer to whom such warrant is delivered to forthwith take said offender and convey him to the place of confinement designated in said warrant, there to remain confined during the term of said sentence or until sooner discharged by competent authority and to make due return of his doing thereon. Such warrant of commitment shall substantially conform to that used by the civil courts.

Sheriff or peace officer to arrest.

SEC. 78. *Fees and mileage.*

Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred, and paid out of the appropriations for the maintenance of the Organized Militia of Washington.

Fees and mileages in civil actions.

SEC. 79. *Right of pursuit.*

Troops on Active state duty may, if necessary, pursue and arrest or subpoena persons anywhere within the state.

Right of pursuit.

SEC. 80. *"Officer" and "Enlisted Man" defined.*

Wherever used in this act, the word "officer" shall be understood to designate commissioned and warrant officers, and the words "enlisted men" shall be understood to designate members of the Organized Militia of Washington other than commissioned or warrant officers. The convictions and punishments mentioned unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Definitions: "Officer" and "enlisted man".

SEC. 81. *Articles of War to govern when.*

Whenever any portion of the Organized Militia shall be on "active service," the Articles of War governing the Army of the United States, as now or hereafter in effect, shall be in force and regarded as a part of the military code, so far as said force is concerned, until said forces shall be relieved from

Articles of War govern on active service.

Offenses on active duty may be tried later.

May be tried in civil court.

Military offenses punishable by law for National Guard.

Form of charges.

Subject to immediate arrest.

said duty; except that confinement in the penitentiary shall be in the penitentiary of this state: *And provided*, That offenses committed while on active duty may be tried and punished by a court-martial lawfully appointed, after this active duty has terminated, and if found guilty the accused shall be punished according to Articles of War and the rules and regulations governing the United States Army, but within the limits prescribed by Federal law for courts-martial in the National Guard: *And provided, also*, That in any case when the offense charged is also made an offense by the civil law of this state, the officer whose duty it is to approve the charge may, in his discretion, order the accused turned over to the proper civil authorities for trial: *Provided further*, That if such offense is committed upon a military reservation of the United States within this state, the accused may be turned over to the civil authorities for trial as provided by Federal law.

SEC. 82. *Military offenses, how punished.*

All organizations, officers and men of the Organized Militia "On Duty" shall be subject to the provisions of the Military Code and all such offenses thereunder shall be tried and punished by court-martial as provided by court-martial as provided by law for "National Guard not in the service of the United States": *Provided*, That charges and specifications shall be laid in the form prescribed for the United States Army, except that the charges shall be brought under the appropriate section and clause of the Military Code of the State of Washington with reference as well to the corresponding Article of War: *And provided further*, That men committing offenses against the laws of the state, while "On Duty" or within state armories shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

SEC. 83. *Military offenses defined.*

Definitions:
Military
offenses.

The following delinquencies, as defined by the Articles of War, are hereby declared to be military offenses, and the delinquents will be punished as provided by law, as court-martial shall direct:

- a. Fraudulent enlistment. (A. W. 54.)
- b. Making fraudulent enlistment by officer. (A. W. 55.)
- c. Making false muster. (A. W. 56.)
- d. Making a false return or omission to render return. (A. W. 57.)
- e. Absence without leave. (A. W. 61.)
- f. Insult or disrespect towards national or state officials. (A. W. 62.)
- g. Disrespect towards superior officer in the execution of his office. (A. W. 63.)
- h. Assaulting or disobeying superior officer in the execution of his office. (A. W. 64.)
- i. Insubordinate conduct towards a non-commissioned officer in the execution of his office. (A. W. 65.)
- j. Mutiny or sedition. (A. W. 66.)
- k. Releasing prisoner without proper authority. (A. W. 73.)
- l. Drunkenness on duty. (A. W. 85.)
- m. Conduct unbecoming an officer and a gentleman. (A. W. 95.)
- n. Conduct to the prejudice of good order and military discipline. (A. W. 96.)
- o. Any other violation of the laws, regulations or orders governing the military forces consistent with this act. (A. W. 96.)

SEC. 34. *Desertion.*

Desertion
defined.

Desertion in the military forces shall be as defined in the regulations made by the Federal government for the government of the National Guard. But if any soldier is known to have removed from the state, and, through ignorance or neglect, has failed

Removal
not desertion.

to apply for discharge, his discharge may be requested by his immediate commanding officer.

Courts of inquiry instituted by Governor.

SEC. 85. *Courts of Inquiry.*

Courts of inquiry, to consist of one (1) or more officers, may, and on the request of the officer involved shall, be instituted by the Governor for the purpose of investigating the conduct of any officer, or any accusation or imputation against him, or any acts made the subject of military complaint. Such court of inquiry shall, without delay, report a statement of facts and, when required, the evidence adduced and an opinion thereon to the Governor, who may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into.

Report to Governor who may order court-martial.

Governor may provide for reserve.

SEC. 86. *State Guard Reserve.*

In order to afford the utmost protection to the State of Washington and to the lives and property of citizens thereof, in times of emergency or anticipation thereof, the Governor, through the State Military Department may provide for the organization and training of State Guard Reserve Companies in communities not allocated a Federally recognized or authorized State Guard unit.

Penalty for buying or receiving military property.

SEC. 87. *Buying and receiving military property.*

Any person who shall purchase or receive in pawn or pledge any military property of the State or of the United States shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (\$500) dollars or imprisoned for not more than six (6) months or both such fine and imprisonment.

Gross misdemeanor.

Penalty for taking military property.

SEC. 88. *Wrongful taking of military property from armory.*

Any enlisted man taking any State or Federal military property from any armory without the written consent of his commanding officer shall be guilty of a misdemeanor and, upon conviction thereof, shall

Misdemeanor.

be fined not more than one hundred (\$100) dollars or imprisoned for not more than thirty (30) days or both such fine and imprisonment, and, in addition thereto, shall be civilly liable for the value of the property so taken.

Also subject to civil liability.

SEC. 89. *Personal effects of deceased soldiers.*

In case of death of any enlisted man while on active duty, his commanding officer shall immediately secure all his effects then in camp or quarters and shall in the presence of two (2) witnesses make an inventory thereof in duplicate; the original copy to be transmitted to the Adjutant General and the copy to be turned over to the personal representative of such deceased at the time said effects are claimed.

Procedure on death of enlisted man.

SEC. 90. *Exemption from jury duty.*

Every officer and enlisted man of the Organized Militia of Washington shall be exempt from all jury duty during the term of his service therein.

Exempt from jury duty.

SEC. 91. *Rifle ranges.*

Under the direction of the Governor, the Adjutant General shall, at the expense and in the name of the State, buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each unit of the Organized Militia of Washington with adequate means and opportunity for thorough instruction in rifle practice.

State to provide ranges.

SEC. 92. *Governor to promulgate rules and regulations.*

The Governor, through the Adjutant General, shall promulgate in orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary for the organization, maintenance and training of the Militia, and the acquisition, use, issue or disposal of military property. Such rules and regulations when so promulgated shall have the same force and effect as though herein enacted.

Governor to make rules.

Regulations
for
armories.

SEC. 93. *Regulations governing armories.*

State owned armories shall be used for strictly military purposes only: *Provided*, That one room shall be set aside for the exclusive use of *bona fide* veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: *Provided, also*, The Adjutant General may, during an emergency, permit transient lodging of service men in armories: *Provided, further*, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the Adjutant General: *Provided, also*, That state owned armories shall be available for use for casual civic purposes only upon payment of fixed rental charges and compliance with regulations of the State Military Department. The Adjutant General shall cause to be prepared a schedule of rental charges for each state owned armory based on predetermined operating costs which may not be waived except for activities of units of the Organized Militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the Organized Militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the State Military Department shall pay, or cause to be paid, expenses incident to such use, or maintenance and operation of armories.

Schedule
of rentals.

Disposition
of revenue.

Penalty
section.

SEC. 94. *Punishment for offenses.*

On conviction of any offense hereunder for which no specific penalty has been prescribed, the punishment shall not exceed thirty (30) days imprisonment or one hundred dollars (\$100.00) fine, or both such fine and imprisonment.

SEC. 95. *Saving Clause.*

Saving
clause.

If any provisions of this act or the application thereof to any person or circumstances is held invalid for any reason, such determination shall not affect other provisions or applications of the act which can be given effect without the invalid provisions, and to this end, the provisions of this act are declared to be severable.

SEC. 96. *Repeal of existing laws.*

Acts
repealed.

The following acts, sections and parts of laws are hereby expressly repealed, to-wit: Section 177, chapter 108, Laws of 1895 (section 8603, Remington's Revised Statutes); sections 1, 21, 22, 41, 52, 65, 86, 89, and 100 of chapter 139 [134], Laws of 1909 (sections 8455, 8472, 8473, 8493, 8499, 8510, 8528, 8531, and 8601, Remington's Revised Statutes); sections 294 and 374 of chapter 249, Laws of 1909 (sections 2546 and 2626, Remington's Revised Statutes); chapter 238, Laws of 1909 (sections 10749 to 10752, inclusive, Remington's Revised Statutes); sections 8 and 11, chapter 66, Laws of 1913 (sections 8501, 8505, Remington's Revised Statutes); sections 1 to 3, inclusive, 5 to 13, inclusive, 15 to 31, inclusive, 33 to 36 inclusive, 39 to 43, inclusive, 45 to 124, inclusive, of chapter 107, Laws of 1917 (sections 8462 to 8464, inclusive, 8466 to 8471, inclusive, 8474 to 8476, inclusive, 8478 to 8490, inclusive, 8492, 8494 to 8496, inclusive, 8498, 8500, 8502, 8503, 8509, 8511 to 8514, inclusive, 8516 to 8527, inclusive, 8529, 8530, 8532 to 8597, inclusive, Remington's Revised Statutes); chapter 75, Laws of 1921 (sections 8465 and 8477, Remington's Revised Statutes); sections 1, 3, 4, and 5 of chapter 49, Laws of 1923 (sections 8497, 8507, 8515 and 8598, Remington's Revised Statutes); chapter 28, Laws of 1925 (sections 8491 and 8504, Remington's Revised Statutes); chapter 51, Laws of 1937 (section 8508, Remington's Revised Statutes); and all other acts in conflict with provisions herein: *Provided, however,* Proviso. That the repeal of the acts herein enumerated shall

nowise extinguish any liability heretofore incurred or relieve any individual subject thereto from liability thereunder.

Effective
April 1, 1943.

SEC. 97. *Effective date.*

A national emergency now exists and by reason thereof, this act is necessary for the immediate preservation of the public peace and safety of State Government and its existing public institutions, and shall be effective April 1, 1943.

Passed the Senate March 10, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 131.

[S. B. 156.]

CREDIT UNIONS.

AN ACT relating to credit unions; amending sections 9, 15 and 23, chapter 173, Laws of 1933, as amended by sections 1, 3 and 5, chapter 65, Laws of 1939 (sections 3923-9, 3923-15 and 3923-23, Remington's Revised Statutes, Supplement) and amending sections 1, 2, 3, 4, 5, 7, 8, 10, 12, 13, 16, 17, 18, 19, 21, 25, 26, 28, 30, 31 and 32, chapter 173, Laws of 1933, (sections 3923-1, 3923-2, 3923-3, 3923-4, 3923-5, 3923-7, 3923-8, 3923-10, 3923-12, 3923-13, 3923-16, 3923-17, 3923-18, 3923-19, 3923-21, 3923-25, 3923-26, 3923-28, 3923-30, 3923-31, and 3923-32, Remington's Revised Statutes, Supplement); repealing section 33, chapter 173, Laws of 1933, (section 3923-33, Remington's Revised Statutes, Supplement) and renumbering section 34 of said act as section 33, and further amending said chapter 173, Laws of 1933, by adding thereto three (3) new sections to be numbered sections 34, 35 and 36.

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

Amendments.

SECTION 1. Section 1, chapter 173, Laws of 1933 (section 3923-1, Remington's Revised Statutes, Supplement) is amended to read as follows:

"Credit
Unio.."
in name.

Section 1. A corporation organized under this act shall include in its corporate name the words

"Credit Union." Other distinguishing words may be used. The words "Credit Union" shall mean a corporation organized under this act. No person, partnership or association, and no corporation except one incorporated under this act, shall hereafter receive payment on shares or deposits from its members, or loan such payment on shares or deposits in the manner provided by this act, or transact business under any name or title containing the words "Credit Union," without full compliance with the provisions of this act. Exception is made of an organization incorporated and composed of corporations organized under this act or under Federal laws. Nothing herein contained shall be construed as repealing, amending or in anywise modifying or affecting laws of this state relating to savings and loan associations or societies. A Credit Union is hereby declared to be a cooperative society incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident, productive and educational purposes.

Use of
"Credit
Union"
limited.Compliance
compulsory.

Exceptions.

Purpose
declared.

When the term Supervisor is used it shall refer in all cases to the Supervisor of Savings and Loan Associations.

Supervisor
defined.

SEC. 2. Section 2, chapter 173, Laws of 1933 (section 3923-2, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 2. Seven or more persons resident in this state may apply to the Supervisor, who shall have and is hereby given authority to grant permission to organize a Credit Union and become such a corporation upon complying with the provisions of this act. A Credit Union shall organize and commence business within six months from the date of its incorporation, otherwise its charter shall become void.

Credit union:
How formed.

Time limit.

Amendments. SEC. 3. Section 3, chapter 173, Laws of 1933 (section 3923-3, Remington's Revised Statutes, Supplement) is amended to read as follows:

Manner of organization. Section 3. A Credit Union shall be organized in the following manner:

The applicants shall execute in quadruplicate articles of incorporation and by-laws by the terms of which they agree to be bound, which shall be submitted to and approved by the Supervisor.

Articles of incorporation. The articles of incorporation shall state:

(1) The name and location of the proposed Credit Union;

(2) The number of its directors, which shall not be less than seven nor more than fifteen;

(3) The names, occupation and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and

(4) The par value of the shares of the Credit Union, which shall be five dollars.

Supervisor to investigate.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such by-laws, have been filed with the Supervisor, he shall ascertain whether such articles of incorporation and by-laws of such Credit Union are consistent with the purposes of this act and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of the proposed Credit Union will be honestly and efficiently conducted in accordance with the purpose of this act, and he shall further determine the economic advisability for such Credit Union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said Credit Union, and whether the proposed Credit Union is being formed for other

than the legitimate objects covered by this act. After the Supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and by-laws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the date thereof. In case of refusal, he shall return one of the quadruplicate certificates so endorsed with a copy of the by-laws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the Superior Court of the county in which the Credit Union is proposed to be located. In case an appeal is taken the Supervisor shall prepare, certify and deliver to such Credit Union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the Superior Court to which the appeal is taken, which shall be heard in the nature of a writ of review and summarily disposed of by the Superior Court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the Supreme Court; all conditioned that the appellant, upon taking the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the Supervisor shall give notice thereof to the proposed incorporators, and shall file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate copy to the Secretary of State, and shall return two quadruplicate copies and one of the duplicate by-laws of the incorporators. The incorporators shall file one of the quadruplicate copies with the County

Supervisor
must act
within
30 days.

Procedure
on refusal.

Incorporators
may appeal
to Superior
Court.

Trial by
review.

Condition of
further
appeal.

Procedure
on approval.

- Filing fee.** Auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.
- Secretary of State to record.** Upon receipt from the proposed incorporators of a filing fee of five dollars the Secretary of State shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the Supervisor, with the Secretary of State and County Auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this act, and whose existence shall continue for the period not exceeding fifty years. In order to simplify the organization of Credit Unions the Supervisor shall cause forms of articles of incorporation and by-laws to be prepared consistent with the provisions of this act, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested by-laws.
- Supervisor to prepare forms.**
- Supply without charge.**
- Amendments.** SEC. 4. That section 4, chapter 173, Laws of 1933 (section 3923-4, Remington's Revised Statutes, Supplement) is amended to read as follows:
- Who may be members.** Section 4. Credit Union membership shall consist of the incorporators and such other persons as may be elected to membership and subscribe for at least one share and pay the initial installment thereon and the entrance fee. Any fraternal organization, partnership or corporation having a usual place of business within the state and composed principally of individual members or stockholders who are themselves eligible to membership in a Credit Union, may become a member of a Credit Union, but, except with the consent of the Supervisor, the Credit Union shall make no loan to such a member in excess of the total of its shares and deposits therein; nor shall a Credit Union receive from
- Group membership.**
- Limitation on loans to group members.**

any such member money in payment for shares or on deposit to such an amount that the total of such payment by all members of the class described in this section shall exceed at any time twenty-five per cent of the assets of the Credit Union. Credit Union organization shall be limited to groups of both large and small membership having a common bond of occupation or association, or to groups within a well defined neighborhood, community or rural district.

Group
holdings
limited.

Limitation.

SEC. 5. Section 5, chapter 173, Laws of 1933 (section 3923-5, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 5. Subject to the provisions of section four, 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. Unless with the approval of the Supervisor, it shall not acquire or own real estate except as acquired through collection of loans so secured.

May sell
shares,
receive
deposits,
make loans.

Limitation
on realty
ownership.

SEC. 6. Section 7, chapter 173, Laws of 1933 (section 3923-7, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 7. Subject to section eight the by-laws may be amended at any annual meeting or at a special meeting called for the purpose, by a two-thirds vote of all members present and entitled to vote: *Provided*, That a copy of the proposed amendment, together with a written notice of the meeting, shall have been sent to each member to his last known post office address, or handed to him in person, at least seven days before the meeting.

Amendments
of by-laws.

Written
notice.

Amendments. SEC. 7. Section 8, chapter 173, Laws of 1933 (section 3923-8, Remington's Revised Statutes, Supplement) is amended to read as follows:

Supervisor to approve by-laws and amendments. Section 8. No Credit Union shall receive any deposits or payments on account of shares, or make any loans, until its by-laws have been approved by the Supervisor, nor shall any amendments become operative until they have been so approved.

Amendments. SEC. 8. Section 9, chapter 173, Laws of 1933, as amended by section 1, chapter 65, Laws of 1939 (section 3923-9, Remington's Revised Statutes, Supplement) is amended to read as follows:

Capital unlimited. Section 9. The capital of a Credit Union shall be unlimited in amount. Shares of capital stock may be subscribed and paid for in such manner as the by-laws shall prescribe. A shareholder may purchase shares in a Credit Union and may also make deposits in such Credit Union to an amount in the aggregate not exceeding one hundred dollars (\$100) or ten per cent (10%) of the total shares and deposits of the credit union, whichever is the greater, which shares and deposits, however, held by any one member, together with accumulated dividends and interest thereon may not exceed two thousand five hundred dollars (\$2,500) in the aggregate. A Credit Union may require from a member ninety days' notice of his intention to withdraw any or all of his shares and sixty days' notice of intention to withdraw any or all of his deposits, except that said notice of withdrawal of shares or deposits may be extended beyond the time limits herein indicated with the written consent of the Supervisor.

Amendments. SEC. 9. Section 10, chapter 173, Laws of 1933 (section 3923-10, Remington's Revised Statutes, Supplement) is amended to read as follows:

Minor may hold shares. Section 10. Shares may be issued and deposits received in the name of a minor, and such shares and deposits may, in the discretion of the directors,

be withdrawn by such minor or by his parent or guardian, and in either case payments made on such withdrawals shall be valid and shall release the corporation from liability to the minor, parent or guardian in respect of such share and deposits. A minor under eighteen shall not have the right to vote.

Withdrawals
by minors.

Voting
limitation.

Two or more eligible persons may jointly become depositors or members in a Credit Union and such persons shall enjoy the same rights as though the deposits had been made by, or the shares issued to, an individual member, and unless written instructions to the contrary are given to the Credit Union relative to such account, and written receipt thereof acknowledged by such Credit Union, any of such persons may exercise the rights of ownership, transfer and withdrawal incidental to such ownership without the other joint holders joining therein, and in the event of death, the survivor or survivors may exercise all rights incidental to such deposits or shares.

Joint
depositors.

Survivor
rights.

SEC. 10. Section 12, chapter 173, Laws of 1933 (section 3923-12, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 12. The annual meeting of the corporation shall be held at such time and place as the by-laws may prescribe, but not later than thirty days after the close of the fiscal year. Special meetings may be called at any time by a majority of the directors and shall be called by the Secretary upon written application of ten or more members entitled to vote. Notice of all meetings of the corporation and of all meetings of the Board of Directors and of committees shall be given in the manner provided in the by-laws. No member shall be entitled to vote by proxy or have more than one vote, and, after a Credit Union has been incorporated for one year, no member thereof shall be en-

Annual
meetings.

Special
meetings.

Notice of
meetings.

Voting rights.

Voting rights. titled to vote until he has been a member for three months. To be eligible to vote a member must have not less than one fully paid share. A fraternal organization, voluntary association, partnership or corporation having a membership in a Credit Union may cast one vote at any of its meetings by a duly delegated agent. The members at each annual meeting shall fix the maximum amount to be loaned to any one member.

Members
fix loan
maximum.

Amendments. SEC. 11. Section 13, chapter 173, Laws of 1933 (section 3923-13, Remington's Revised Statutes, Supplement) is amended to read as follows:

Directors
manage
affairs.

Terms of
directors
and officers.

Qualifications
filed.

Terms of
directors.

Section 13. The business and affairs of a Credit Union shall be managed by a board of not less than seven directors. The directors shall be elected at the annual meetings. All members of the said board, as well as the officers, whom they may elect, shall be sworn to the faithful performance of their duties and shall hold their several offices unless sooner removed as hereinafter provided, until their successors are qualified. A record of every such qualification shall be filed and preserved with the records of the corporation. Directors shall be elected for not less than one year nor more than three years, as the by-laws shall provide. If the term is more than one year, they shall be divided into classes, and an equal number, as nearly as may be, elected each year. If a director ceases to be a member of the Credit Union, his office shall thereupon become vacant. A director must have not less than one fully paid share to qualify.

Amendments. SEC. 12. Section 15, chapter 173, Laws of 1933 as amended by section 3, chapter 65, Laws of 1939 (section 3923-15, Remington's Revised Statutes, Supplement) is amended to read as follows:

Duties of
directors.

Section 15. The Board of Directors 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 contained in this act, determine the rate of interest to be paid on deposits which shall not, however, exceed four per cent per annum, and shall fill vacancies in the Board of Directors, and committees, until the next election. It shall make recommendations to the members of the Credit Union relative to the maximum amount to be loaned to any one member, the need of amendments to the by-laws and other matters upon which, in its opinion, the members should act at any regular or special meeting. At each annual or semi-annual period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration. Shares which become paid up during the year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full: *Provided*, That the Board of Directors may, at its option, compute such full shares if purchased on or before the 10th day of January or July, and on or before the 5th day of any other month, as of the first day of said month. The Board of Directors may borrow money for and in behalf of the Credit Union, for the purpose of making loans, the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed ten per cent of the assets except with the prior approval of the Supervisor. It may by a two-thirds vote remove from office any officer or any member of any committee for cause.

Directors meet at least monthly.

Maximum interest rate.

Make recommendations.

Declare dividends.

Part-year dividends.

Proviso.

Directors may borrow money.

Borrowing limitation.

Removal for cause.

SEC. 13. Section 16, chapter 173, Laws of 1933 (section 3923-16, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 16. The auditing committee shall keep fully informed at all times as to the financial con-

Auditing committee.

Duties of
auditing
committee.

dition of the Credit Union, shall examine carefully the cash and accounts of the Credit Union monthly, shall certify the monthly statements submitted by the Treasurer, shall make a thorough audit of the books, including income and expense, semi-annually, shall report to the Board of Directors its findings, together with its recommendations, shall under regulations prescribed by the Supervisor, cause to be verified the pass books of the Credit Union, according to such regulations, shall hold meetings at least once a month and keep records thereof, and shall make an annual report at the annual meeting.

Report to
directors.

Annual
report.

Suspension
power.

By a unanimous vote the auditing committee may suspend any officer of the corporation or any member of the credit committee or of the Board of Directors until the next members' meeting, which meeting shall be held within fifteen (15) days of said suspension, and at which meeting said 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 act, or of the by-laws, 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.

Call special
meetings.

Amendments.

SEC. 14. Section 17, chapter 173, Laws of 1933 (section 3923-17, Remington's Revised Statutes, Supplement) is amended to read as follows:

Directors
receive no
compensa-
tion.

Section 17. No member of the Board of Directors shall receive any compensation for his services as a member of the said Board or as a member of any committee, nor shall any member of the said Board borrow from the corporation to an amount in excess of his shares and deposits in said Credit Union and the accumulated earnings standing to his credit

Borrowings
limited.

on the books of the corporation, nor may he become endorser, surety or co-maker for any loan made by such Credit Union. The officers elected by the Board may receive such compensation as it may authorize, subject to the approval of the members at the next meeting or at a special meeting called for the purpose.

Officers
may be
compensated.

SEC. 15. Section 18, chapter 173, Laws of 1933 (section 3923-18, Remington's Revised Statutes, Supplement) is amended to read as follows: Amendments.

Section 18. Before the payment of any dividend there shall be set apart as a guaranty fund not less than twenty per cent of the net income which has accumulated during the next preceding dividend period, except as hereinafter provided, until such time as said guaranty fund and undivided profits shall equal fifteen per cent of the assets of the said Credit Union, and thereafter there shall be added to the guaranty fund at the end of each such period such percentage of the net income which has accumulated during that period as will result in at least maintaining such guaranty fund and undivided profits at such amount. All entrance fees shall be added to the guaranty fund at the close of the dividend period, and shall never exceed twenty-five cents (25¢) for each member. The guaranty fund and the investments thereof shall be held to meet contingencies or losses in the business of the Credit Union, and shall not be distributed to its members, except in case of dissolution.

Guaranty
fund to be
set aside.

Fund to
equal 15 per
cent of
assets.

Entrance
fees in
guaranty.

Contingency
fund.

SEC. 16. Section 19, chapter 173, Laws of 1933 (section 3923-19, Remington's Revised Statutes, Supplement) is amended to read as follows: Amendments.

Section 19. The Supervisor shall have the right to require a Credit Union to charge off or set up a reserve fund for such delinquent loans or other assets as in his opinion require such action. A loan shall not be considered delinquent if in the hands

Supervisor
may require
reserve fund.

Limitation
on delin-
quency.

of an attorney for collection for a period not in excess of one (1) year, or is in the process of reduction by payments from any source satisfactory to the Board of Directors, even though such payments may be less in amount than the payments indicated by the terms of the note.

Amendments.

SEC. 17. Section 21, chapter 173, Laws of 1933 (section 3923-21, Remington's Revised Statutes, Supplement) is amended to read as follows:

Duties of
credit
committec.

Section 21. The credit committee shall:

- (1) Hold meetings at least once a month;
- (2) Act on all applications for loans;
- (3) Approve in writing all personal loans granted and the security, if any, pledged therefor; and
- (4) Submit to the Board of Directors all applications for loans other than personal loans, with their recommendation thereon.

Limitations
on personal
loans.

No personal loan shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of said committee, approve said loan. No loan shall be granted unless the members of said committee are satisfied that the loan promises to be of benefit to the borrower. All borrowers shall have not less than one fully paid share.

Amendments.

SEC. 18. Section 23, chapter 173, Laws of 1933 as amended by section 5, chapter 65, Laws of 1939 (section 3923-23, Remington's Revised Statutes, Supplement) is amended to read as follows:

Classes
of loans.

Section 23. A credit union may make loans of the following classes to its members:

- (1) Personal loans secured by the note of the borrower; and
- (2) Loans secured by second mortgages of real estate situated within the state;

(3) Loans may be made to other Credit Unions upon a favorable two-thirds ($\frac{2}{3}$) majority vote of the Board of Directors.

Personal loans shall be given the preference and, in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, preference shall be given to the smaller loan. Each personal loan shall be payable within one year from date thereof and shall be paid or renewed on or before such date: *Provided*, That loans with satisfactory collateral security pledged to secure the same may be made payable within two years and shall be paid or renewed on or before that date. Each indorser of a note given as security for a personal loan shall be a resident of the state at the time the loan is made, unless such indorser is a member of the Credit Union, and if such indorser shall leave the state a new resident indorser must be immediately provided or the loan shall be at once collectible.

Preference to personal loans.

Payable within year.

Proviso.

Qualification of endorser.

Personal loans to any one member shall be limited in the aggregate as follows:

Limitation on personal loans.

(1a) To an amount not exceeding fifty dollars, if secured by the unindorsed or unsecured note of the borrower;

(2a) To an amount not exceeding three hundred dollars, if secured by the note of the borrower with one or more responsible indorsers thereon, or with satisfactory collateral security pledged to secure the same, or if secured by the joint and several note of two or more members;

(3a) To an amount not exceeding one thousand dollars, if secured by the note of the borrower with two or more responsible indorsers thereon, or with satisfactory collateral security pledged to secure the same, or if secured by the joint and several note of three or more members;

Limitations
on personal
loans.

(4a) To an amount not exceeding fifteen hundred dollars, if secured by the note of the borrower with two or more responsible indorsers thereon, or by a joint and several note of three or more members, and, in either case, with collateral valued at not more than eighty per cent of its market value, pledged fully to secure the same;

(5a) To an amount not exceeding two thousand dollars, if secured by the note of the borrower and with sufficient collateral pledged to secure the same made up of bonds or notes of the United States, or of any state or subdivision thereof, which are legal investments for Savings and Loan Associations in this state valued at not more than eighty per cent of their market value, or by the assignment of the pass book of a stockholder in a savings bank or a book showing payments on stock to a Savings and Loan Association doing business in this state or in the savings department of any bank or trust company doing business in this state, or the book of a stockholder in a Savings and Loan Association incorporated under the laws of this state; and

(6a) To an amount not exceeding fifty dollars (\$50) in excess of the value of the shares and deposits of the borrower in the Credit Union, if secured by the note of the borrower and by the assignment of said shares and deposits;

No borrower shall have an aggregate liability to the Credit Union in excess of one hundred dollars or ten per cent (10%) of the assets of the Credit Union, whichever is greater, subject however, to other restrictions in this section.

Assignment
of wages as
collateral.

For the purposes of this section a valid assignment of wages may be received as satisfactory collateral for any loan not in excess of two hundred and fifty dollars or not in excess of two months' salary, whichever is larger. The total amount which a Credit Union may invest in second mort-

gages on real estate shall not exceed fifteen per cent (15%) of the assets of the Credit Union. All loans secured by second mortgages on real estate shall be subject to the following restrictions:

Limitation
on second
mortgage
loans.

(1b) The total liability of any member upon loans of this class shall not exceed five per cent of the assets of the Credit Union, nor shall it exceed two thousand dollars; and

(2b) The aggregate of all loans secured by mortgages of real estate outstanding, together with the loan to be secured by second mortgage, shall not exceed sixty per cent of the value of the property mortgaged, as determined by the credit committee, and all delinquent taxes and assessments must be paid, and all such loans must be amortized by weekly or monthly payments which payments shall be at the rate of not less than ten per cent per annum of the principal.

SEC. 19. Section 25, chapter 173, Laws of 1933 (section 3923-25, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 25. Dividends may be declared only from the earnings which remain after the deduction of all expenses, interest on deposits and the amounts required to be set apart to the guaranty fund and to the reserve fund, or such dividend may be declared in whole or in part from the undivided earnings of preceding years remaining after the aforesaid deductions for said years. Dividends due to a member shall, at his election, be paid to him in cash or be credited to his account in either shares or deposits. No dividend exceeding six per cent (6%) per annum shall be paid, unless the guaranty fund and undivided profits exceed fifteen per cent (15%) of assets, but surplus earnings may be distributed to the borrowers as a patronage dividend ratably in proportion to interest paid by them.

Dividends.

Payable in
cash or
credited to
account.

Dividend
limitation.

Amendments.

SEC. 20. Section 26, chapter 173, Laws of 1933 (section 3923-26, Remington's Revised Statutes, Supplement) is amended to read as follows:

Semi-annual reports to supervisor.

Section 26. Within twenty days after the first business day of January and July in each year, the auditing committee of each Credit Union shall make to the Supervisor a report in such form as he may prescribe, and shall make oath that the report is true and correct. Any Credit Union neglecting to make said report within the time herein prescribed and such other requested reports within twenty (20) days after notification shall forfeit to the state five dollars for each day during which neglect continues.

Penalty for failure.

Examination yearly.

The Supervisor shall make or cause to be made an examination and full investigation into the affairs of each Credit Union at least once each calendar year. The actual cost of examination and supervision shall be paid by the Credit Union examined: *Provided*, That the Supervisor may accept in lieu of an examination the report of any competent accountant, satisfactory to the Supervisor, who has made and submitted a report of the condition of the affairs of such Credit Union, and if approved, shall have the same force and effect as though the examination were made by the Supervisor or one of his appointees.

Credit union to pay cost.

Report of accountant in lieu.

Supervisor may suspend.

If it is found that the capital of a Credit Union be impaired or that business is being conducted contrary to law the Supervisor may require said Credit Union to suspend operations until such condition is corrected.

Any communications from the Supervisor to the Board of Directors must be read before said board at its next meeting and the reading noted in the minutes of the meeting.

Amendments.

SEC. 21. Section 28, chapter 173, Laws of 1933 (section 3923-28, Remington's Revised Statutes, Supplement) is amended to read as follows:

Section 28. Any person who shall knowingly subscribe to or make or cause to be made any false statement or false entry in the books of any Credit Union, or who shall knowingly make any false statement or entry in any report required to be made to the Supervisor, or who shall knowingly exhibit any false or fictitious paper, instrument or security to any person authorized to examine such institution, shall be guilty of a felony.

Penalty for false entry or statement.

Felony.

SEC. 22. Section 30, chapter 173, Laws of 1933 (section 3923-30, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments.

Section 30. At any meeting specially called for the purpose, the members, upon recommendation of not less than two-thirds of the Board of Directors, may, by a two-thirds vote of the members present vote to liquidate the corporation. A committee of three shall thereupon be elected to liquidate the assets of the corporation under the direction of the Supervisor, which committee may be reasonably compensated for its services by action of the Board of Directors, and each share of capital stock, according to the amount paid thereon, shall be entitled to its proportionate part of the assets in liquidation after all deposits and debts have been paid, and the charter of such corporation voting to liquidate in accordance with this section shall become void except for the purpose of discharging existing obligations and liabilities. Funds representing unclaimed dividends in liquidation and remaining in the hands of the liquidating committee for six months after the date of the final dividend, shall be deposited by them, together with all books and papers of the Credit Union, with the Supervisor, who may after one year therefrom destroy any such records, books and papers as in his judgment are obsolete or unnecessary for future reference. Such funds shall be deposited in one or more trust com-

Two-thirds vote to liquidate.

Liquidation committee.

Distribution of assets.

Unclaimed funds and books to Supervisor.

Disposition by Supervisor.

Funds held
in trust for
members.

Payment
of claims.

Court order.

Final
disposition.

Permanent
school fund.

Amendments.

Supervisor
may suspend
officer for
cause.

Members'
meeting
has final
decision.

Amendments.

panies, mutual savings banks, savings and loan associations, or national banks or state banks to the credit of the Supervisor in his official capacity in trust for the members of the liquidating credit union entitled thereto, according to their several interests. Upon receipt of evidence satisfactory to him, the Supervisor may pay the money so held by him to the persons respectively entitled thereto. In case of doubt or of conflicting claims, he may require an order of the Superior Court of the county in which the Credit Union is located, authorizing and directing the payment thereof. He may apply the interest earned by the moneys so held toward defraying the expenses incurred in the payment of such unclaimed dividends. At the expiration of five years from the date of the receipt thereof, such funds as still remain in the hands of the Supervisor shall be escheated to the state and revert to the permanent school fund.

SEC. 23. Section 31, chapter 173, Laws of 1933 (section 3923-31, Remington's Revised Statutes, Supplement) is amended to read as follows:

Section 31. In the event that any officer, or officers, of such a Credit Union shall be found, in the opinion of the Supervisor, to be dishonest, inefficient, incapable of doing his work, or wilfully disobeying orders of the Supervisor, or in any way violating this act or the by-laws of the Credit Union, such person, or persons, may be suspended by the Supervisor until the next members' meeting, which said meeting shall be held within fifteen (15) days of said suspension and at which meeting said suspension acted upon by the members, whose approval or disapproval shall be final.

SEC. 24. Section 32, chapter 173, Laws of 1933 (section 3923-32, Remington's Revised Statutes, Supplement) is amended to read as follows:

Section 32. A Credit Union may, with the approval of the Supervisor and in accordance with such uniform rules and regulations as he shall make and promulgate, be merged with another Credit Union under the charter of such Credit Union upon any plan agreed upon by the majority of the Board of Directors of each such Credit Union joining in such merger, and approved by not less than two-thirds ($\frac{2}{3}$) of the members of each Credit Union present and eligible to vote at meetings duly called for that purpose. All property, property rights and interests of the Credit Union so merging shall upon such merger be transferred to and vested in the Credit Union under whose charter the merger is effected without deed, endorsement, or other instrument of transfer, and the debts and obligations of the Credit Union so merging shall be deemed to have been assumed by the Credit Union under whose charter the merger is effected, and thereafter the charter of the Credit Union so merging shall be null and void and it shall cease to exist.

Merger of
credit unions.

Two-thirds
vote.

SEC. 25. Section 33, chapter 173, Laws of 1933 (section 3923-33, Remington's Revised Statutes, Supplement) is hereby repealed, and Sec. 34 of Chapter 173, Laws of 1933, is hereby renumbered Sec. 33.

Section
repealed.

SEC. 26. Chapter 173, Laws of 1933, is amended by adding thereto three new sections, numbered respectively sections 34, 35 and 36, and reading as follows:

Amendments

Section 34. Neither a Credit Union nor its members shall be taxed upon its shares and deposits as property. A Credit Union shall be taxable upon its real property and tangible personal property, and every Credit Union shall be termed a mutual institution for savings and neither it nor its property shall be taxable under any law which shall exempt savings banks or institutions for savings from taxation. For all purposes of taxation, the assets represented

Taxation of
credit unions.

Taxation of
credit unions.

by the guaranty fund and other reserves, other than reserves for expenses and losses of a Credit Union, shall be deemed its only permanent capital, and in computing any tax, whether it be property, income, or excise, appropriate adjustment shall be made to give effect to the mutual nature of such credit union.

Conversion
to Federal
credit union.

Section 35. Any Credit Union, heretofore or hereafter organized under the laws of this state may convert itself into a Federal Credit Union, as authorized by the act of congress known by, and cited as the Federal Credit Union Act, approved June 26, 1934, and any amendments of, or supplements thereto, or laws hereafter enacted in substitution therefor, and pursuant to any rules and regulations prescribed, or which may hereafter be prescribed by virtue of, or in accordance with the said Federal Credit Union Act, or the acts amending or supplementing the same, or enacted in substitution therefor.

Commission
by two-thirds
vote.

Such conversion shall be effected by the affirmative action of a two-thirds ($\frac{2}{3}$) vote of the members present at a regular or special meeting of the shareholders called for that purpose. Such meeting shall be called by the directors, of which a majority shall have previously approved the contemplated conversion, and notice thereof shall be given in the manner prescribed in the by-laws of the said Credit Union not more than thirty (30) days nor less than ten (10) days prior to the date of the meeting. Proof of the giving of such notice shall be by the affidavit of the Secretary of the corporation.

Notice of
meeting.

Proof of
notice.

Filing
verified
resolution.

If conversion be authorized, a copy of the resolutions adopted with respect thereto at said meeting, verified by the affidavit of the president, or vice-president, and secretary or assistant secretary, of the Credit Union shall within ten (10) days after the holding of such meeting, be filed in the office of the supervisor.

In the event that conversion be authorized by the shareholders, the officers and directors of such Credit

Union shall be authorized to, and within six (6) months from the date of the adoption of said resolutions by the shareholders shall, take the steps necessary to effect a conversion of said Credit Union into a Federal Credit Union, upon such terms as may be agreed upon between the Board of Directors of such Credit Union, and the properly authorized Federal authority under the provisions of the said Federal Credit Union Act. Upon the filing in the office of the Supervisor of a certified copy of the charter or authorization issued to such Credit Union by the proper Federal authority, or of a certificate showing the organization of such Credit Union as a Federal Credit Union, certified to by the proper Federal authority, the Supervisor shall file the same, and thereupon the said state-chartered Credit Union shall cease to be an active credit union under the laws of this state except for the purpose of winding up its affairs and prosecuting or defending any litigation by or against it, and for all other purposes shall be deemed converted into a Federal Credit Union.

Time limit
for
conversion.

In consummation of such conversion, the state-chartered Credit Union may execute, acknowledge and deliver to the successor Federal Credit Union, such instruments of transfer, conveyance and assignment as may be necessary and/or desirable to accomplish the transfer, conveyance and assignment to the successor Federal Credit Union, or any property, tangible or intangible, and all right, title or interest therein, as may have been agreed between the board of directors of the applicant Credit Union, and the proper Federal authority.

Transfer of
property to
Federal
Credit Union.

Similar procedure shall be followed when a Credit Union organized under the laws of this state wishes to merge with or convert to a Credit Union organized under the laws of another state.

Same
procedure
for merger.

Section 36. Whenever any Credit Union organized and existing under the laws of the United States, and located within this state, is authorized

Conversion
to state
credit union.

Conversion
from federal
to state
status.

to dissolve, and it shall have taken the necessary steps to effect such dissolution, or whenever the charter of any such Credit Union has become inoperative because of a change in, or a nullification of, or a repeal of the laws under which it was organized, or whenever any such Credit Union is authorized by the laws of the United States to convert itself into a Credit Union under the laws of this state, such Credit Union, upon resolution of three-fourths ($\frac{3}{4}$) of its directors, at a meeting called for such purpose, or upon action taken by or under the authority of the United States, with the approval in writing of the supervisor, may execute and file articles of incorporation, as provided for the organization of new Credit Unions in this state, together with a certificate executed by the president and secretary setting forth the facts authorizing such filing.

Procedure.

Transfer of
assets.

Upon the filing of said articles and said certificate, with the written approval of the supervisor, such Credit Union shall become a Credit Union under the laws of the State of Washington, and thereupon all of the assets of such Credit Union shall be vested in and become the property of such state-chartered Credit Union, subject to all existing liabilities against such Federal Credit Union, and every person who was a shareholder or member of such Federal Credit Union, shall be a shareholder in such state-chartered Credit Union in like amount.

Similar procedure shall be followed when a Credit Union organized under the laws of another state wishes to merge or convert to a Credit Union organized under the laws of this state.

Passed the Senate March 10, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 132.

[S. B. 175.]

PRIMARY STATE HIGHWAYS.

AN ACT relating to state government, authorizing in certain cases the negotiating of contracts for the construction, alteration, repair or improvement of primary state highways and amending section 41, chapter 53, Laws of 1937 (sec. 6400-41, Rem. Rev. Stat.), and prescribing the period of effectiveness of the act.

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

SECTION 1. That section 41, chapter 53, Laws of 1937 (sec. 6400-41, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 41. The Director of Highways may, in his discretion, cause any primary state highway to be constructed, altered, repaired or improved by contract in the manner provided by law or by day labor. May build by contract or day labor.

Any construction may be done by day labor in all cases where the estimated cost of such work is in a sum less than ten thousand dollars (\$10,000). The Director of Highways shall by resolution entered upon his records determine when construction in any case shall be done by day labor, which resolution shall state the reason for such determination. Limitation on day labor cost.

In all other cases construction shall be let by contract and awarded to the lowest responsible bidder in the manner provided by law. In the event that the Director of Highways considers bid proposals when received as too high, or for other reasons deems it inadvisable that said contract be awarded to any bidders, he may readvertise a new call for bids, or do the work by day labor, which decision shall be ordered by resolution to that effect entered upon the records of said Director of Highways, which resolution shall set out the amount of the bid proposals submitted with the names of the bidders and the fact that the Director of Highways has found that in his judgment the said Resolution to state reason.

Contract to lowest responsible bidder.

May readvertise or use day labor.

Reason must
be stated.

Publish
estimate and
cost.

Proviso.

Director may
negotiate
when
necessary.

May divide
project into
several parts.

Expiration
clause.

work may be more satisfactorily done by day labor. In any such case where work is performed by day labor, the Director of Highways shall, upon the completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of such work and the actual cost of the completion thereof by day labor: *Provided*, No publication shall be required for any work, the cost of which is less than twenty-five hundred dollars (\$2,500): *Provided further*, That whenever bid proposals are advertised for and either no bids are received or the bids which are received are out of line with the estimated cost, and the character and estimated cost of the particular project is such as to make it inadvisable to do the work by day labor, the Director of Highways shall be authorized to enter into negotiations with contractors in an effort to obtain the best possible terms upon the basis of which the work can be done by contract, and if satisfactory terms are secured to award a contract or contracts upon the basis of such negotiations. In conducting such negotiations, the Director shall be authorized to segregate a project into several component parts if such action is deemed necessary in order to obtain satisfactory contractual terms. If the Director decides to award a contract or contracts by negotiation with contractors, his decision shall be by resolution entered upon his records, which said resolution shall set forth the substance and results of the negotiations: *Provided further*, That the provisions of this Act authorizing the negotiation of contracts shall expire on April 1, 1945.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 133.

[S. S. B. 178.]

HIGHWAYS—STATE COMMISSION ON EQUIPMENT.

AN ACT relating to vehicles and the operation thereof upon the public highways of this state; prescribing the powers and duties of the state commission on equipment; amending section 6, chapter 189, Laws of 1937 (section 6360-6, Remington's Revised Statutes, Supplement, Volume 7A); repealing sections 22, 26, 33, and 59, chapter 189, Laws of 1937 (sections 6360-22, 6360-26, 6360-33 and 6360-59, Remington's Revised Statutes, Supplement, Volume 7A); and declaring an emergency.

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

SECTION 1. Section 6, chapter 189, Laws of 1937 (section 6360-6, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows: Amendments.

Section 6. There is hereby constituted a state commission on equipment which shall consist of the Director of Licenses, the Director of Highways and the Chief of the Washington State Patrol. Equipment commission created.

In addition to those powers and duties elsewhere granted by the provisions of this act the State Commission on Equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (a) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (b) relating to vehicle equipment, and (c) relating to the enforcement of the provisions of this act with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this act. Commission may make rules.

SEC. 2. Sections 22, 26, 33 and 59, chapter 189, Laws of 1937 (sections 6360-22, 6360-26, 6360-33 and 6360-59, Remington's Revised Statutes, Supplement, Volume 7A), are hereby repealed. Repeals.

Section
suspended
during war
emergency.

SEC. 2a. Section 113, chapter 189, Laws of 1937 (section 6360-113, Remington's Revised Statutes, Volume 7A), is hereby suspended during the existence of the present national emergency created by the existing war. Such suspension shall expire and be of no force and effect whatever on and after the formal termination of the existing war by the signing of a treaty of peace or by the proclamation of the President of the United States, but in no event to extend past April 1, 1945.

Effective
immediately.

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

Passed the Senate March 11, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 134.

[S. B. 180.]

DEPOSITARIES FOR PUBLIC FUNDS.

AN ACT relating to depositaries for public funds, amending section 4, chapter 37, Laws of 1907; as amended by section 2, chapter 87, Laws of 1931; as amended by section 3, chapter 139, Laws of 1935 (section 5551, Remington's Revised Statutes, Supplement).

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

Amendments.

SECTION 1. Section 4, chapter 37, Laws of 1907, as amended by section 2, chapter 87, Laws of 1931, as amended by section 3, chapter 139, Laws of 1935 (section 5551, Remington's Revised Statutes, Supplement), is amended to read as follows:

Limit on
deposits in
national bank
depositaries.

Section 4. The State Treasurer may deposit with any national bank depositary which has fully complied with all requirements of law any state moneys in his hands or under his official control not exceed-

ing the limit herein prescribed, and any sum so on deposit shall be deemed to be in the state treasury, and such Treasurer shall not be liable to (for) any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depository shall not exceed one hundred fifty per cent of the actual paid-up capital and surplus, and in the case of branch banks or branches as depositories, not to exceed in the aggregate one hundred fifty per cent of the capital and surplus of the parent bank, but in no case exceeding ninety per cent of the value of the securities deposited by it, described in subdivision (1) in section 5549, nor seventy-five per cent of the value of the securities described in subdivisions (2), (3), (4) and (5) of section 5549, nor the amount prescribed by the State Finance Committee, if any be prescribed: *Provided, however,* That the aggregate amount of money so on deposit at any time may equal ninety per cent of the value of the securities deposited, described in subdivision (1) of section 5549, and/or seventy-five per cent of the value of the securities deposited described in subdivisions (2), (3), (4) and (5) of section 5549, and: *Provided,* That in the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, and authorized to insure the repayment of bank deposits, said depository shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Treasurer
not liable for
failure of
depository.

Deposits
limited.

Proviso.

Proviso.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 135.

[S. S. B. 186.]

HIGHWAY EQUIPMENT FUND.

AN ACT relating to the Highway Equipment Fund and amending section 10, chapter 144, Laws of 1935 (section 6600-1c, Remington's Revised Statutes, Volume 7A), and declaring that this act shall take effect April 1, 1943.

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

Amendments. SECTION 1. Section 10, chapter 144, Laws of 1935 (section 6600-1c, Remington's Revised Statutes, Volume 7A) is amended to read as follows:

Highway equipment fund. Section 10. There is hereby created in the state treasury a state fund to be known as the "Highway Equipment Fund," the same to be used by the Department of Highways as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; (2) In the administration, maintenance and construction of highways and highway facilities; and (3) For the operation by the Department of Highways of an automobile pool of state owned vehicles.

Credits to fund. The Highway Equipment Fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Director may rent or sell. Equipment may be rented and materials and supplies may be sold out of this fund to any Federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely

within the discretion of the Director of Highways and his determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the Highway Equipment Fund at the office of the Director of Highways of the State of Washington at Olympia.

Determine charges.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Effective date.

Passed the Senate February 26, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 136.

[S. B. 191.]

PORT DISTRICTS.

AN ACT relating to port districts; permitting Port Commissions to contract with certain other public bodies without requiring performance bonds.

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

SECTION 1. Port districts may enter into leases and contracts of every kind and nature with the United States of America or any of its departments, the State of Washington or any of its departments, or its political subdivisions or with any municipal corporation or quasi-municipal corporation of the State of Washington, without requiring said port district or public bodies to provide bonds to secure the performance thereof. All such leases or contracts heretofore entered into are hereby ratified.

Port districts may contract without performance bonds.

Prior acts ratified.

Passed the Senate February 20, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 137.

[S. B. 206.]

VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION
FUND.

AN ACT authorizing volunteer firemen to participate in the Volunteer Firemen's Relief and Compensation Fund and prescribing the duties of fire commissioners in fire protection districts.

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

Benefits
extended to
fire
protection
districts.

SECTION 1. Fire protection districts organized under chapter 34, Laws of 1939, as amended by chapter 70, Laws of 1941 (sections 5654-102 to 5654-109, both inclusive, 5654-111 to 5654-116, both inclusive, 5654-118, 5654-119, 5654-121 to 5654-137, both inclusive, 5654-140 to 5654-151, both inclusive, Remington's Revised Statutes, Supplement, and sections 5654-101, 5654-110, 5654-116a, 5654-117, 5654-120, 5654-138 and 5654-139, Rem. Supp. 1941; sections 2409-51 to 2409-101, Pierce's Code), are hereby authorized to participate in the Volunteer Firemen's Relief and Compensation Fund established by chapter 121, Laws of 1935, as amended by chapter 49, Laws of 1939 (sections 9578-1 to 9578-11, both inclusive, Remington's Revised Statutes, Supplement; sections 4449a-41 to 4449a-51, both inclusive, Pierce's Code), upon the same terms and conditions as provided thereunder for municipalities of the state.

Terms. Volunteer firemen employed by such fire protection districts and their families shall be entitled to the same relief and compensation as volunteer firemen of such municipalities upon the same terms and conditions.

Duties of
Fire Com-
missioners.

SEC. 2. The Board of Fire Commissioners of a fire protection district shall exercise and be subject to the same powers and duties as the Board of Trustees of the Volunteer Firemen's Relief and Compensation Fund provided for municipalities of the State

of Washington by chapter 121, Laws of 1935, as amended by chapter 49, Laws of 1939 (sections 9578-1 to 9578-11, both inclusive, Remington's Revised Statutes, Supplement; sections 4449a-41 to 4449a-51, both inclusive, Pierce's Code).

Passed the Senate February 19, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 138.

[S. B. 221.]

ARBITRATION OF ACTIONS FOR LEGAL OR EQUITABLE RELIEF.

AN ACT providing for the arbitration of controversies; providing a procedure for the same; providing for judgment to be entered thereon; prescribing the duty of the courts in connection therewith; and repealing sections 264, 265, 266, 267, 268, 269, 270, 271, 272, 273 and 274, Code of 1881 (sections 420 to 430, Remington's Revised Statutes; sections 7339 to 7349, Pierce's Code).

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

SECTION 1. Two or more parties may agree in writing to submit to arbitration, in conformity with the provisions of this act, any controversy which may be the subject of an action existing between them at the time of the agreement to submit, or they may include in a written agreement a provision to settle by arbitration any controversy thereafter arising between them out of or in relation to such agreement. Such agreement shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

The provisions of this act shall not apply to any arbitration agreement between employers and employees or between employers and associations of employees, unless such agreement specifically pro-

Agreement
in writing.

Limitation.

vides that it shall be subject to the provisions of this act.

"Court"
defined.

SEC. 2. The term "Court" when used in this act means any Superior Court of the State of Washington or the Supreme Court of the State of Washington.

Summary
hearing.

Any application made under authority of this act shall be made in writing and heard in a summary way in the manner and upon the notice provided by law or rules of court for the making and hearing of motions or petitions, except as otherwise herein expressly provided.

Court may
stay action
pending
arbitration.

SEC. 3. If any action for legal or equitable relief or other proceedings be brought by any party to a written agreement to arbitrate, the Court in which such action or proceeding is pending, upon being satisfied that any issue involved in such action or proceeding is referable to arbitration under such agreement, shall, on motion of any party to the arbitration agreement, stay the action or proceeding until an arbitration has been had in accordance with the agreement.

May apply
for order for
arbitration.

SEC. 4. 1. A party to a written agreement for arbitration claiming the neglect or refusal of another to proceed with an arbitration thereunder may make application to the Court for an order directing the parties to proceed with the arbitration in accordance with their agreement. Eight days notice in writing of such application shall be served upon the party alleged to be in default. Service thereof shall be made in the manner provided by law for service of a summons in a civil action in the court specified in section 2. If the Court is satisfied after hearing the parties that no substantial issue exists as to the existence or validity of the agreement to arbitrate or the failure to comply therewith, the Court shall make an order directing the parties to proceed to arbitrate in accordance with the terms of the agreement.

Written
notice.

Court may
order
arbitration.

2. If the Court shall find that a substantial issue is raised as to the existence or validity of the arbitration agreement or the failure to comply therewith, the Court shall proceed immediately to the trial of such issue. If upon such trial the Court finds that no written agreement providing for arbitration was made or that there is no default in proceeding thereunder, the motion to compel arbitration shall be denied.

Shall proceed to trial.

3. Either party shall have the right to demand the immediate trial by jury of any such issue concerning the validity or existence of the arbitration agreement or the failure to comply therewith. Such demand shall be made before the return day of the motion to compel arbitration under this section, or if no such motion was made, the demand shall be made in the application for a stay of the arbitration, as provided under "4 (e)" hereunder.

May demand jury trial.

4. In order to raise an issue as to the existence or validity of the arbitration agreement or the failure to comply therewith, a party must set forth evidentiary facts raising such issue and must either (a) make a motion for a stay of the arbitration. If a notice of intention to arbitrate has been served as provided in section 6 hereof, notice of the motion for the stay must be served within twenty (20) days after service of said notice. Any issue regarding the validity or existence of the agreement or failure to comply therewith shall be tried in the same manner as provided in subsections 2 and 3 hereunder; or (b) by contesting a motion to compel arbitration as provided under subsection 1 of this section.

Stay of arbitration.

SEC. 5. Upon the application of any party to the arbitration agreement, and upon notice to the other parties thereto, the Court shall appoint an arbitrator, or arbitrators, in any of the following cases:

(a) When the arbitration agreement does not prescribe a method for the appointment of arbitrators.

(b) When the arbitration agreement does prescribe

When arbitrator to be appointed.

a method for the appointment of arbitrators, and the arbitrators, or any of them, have not been appointed and the time within which they should have been appointed has expired. (c) When any arbitrator fails or is otherwise unable to act, and his successor has not been duly appointed. (d) In any of the foregoing cases where the arbitration agreement is silent as to the number of arbitrators, three (3) arbitrators shall be appointed by the Court.

Power of appointed arbitrators.

Arbitrators appointed by the Court shall have the same power as though their appointment had been made in accordance with the agreement to arbitrate.

Notice of intention to arbitrate.

SEC. 6. When the controversy arises from a written agreement containing a provision to settle by arbitration a controversy thereafter arising between the parties out of or in relation to such agreement, the party demanding arbitration shall serve upon the other party, personally or by registered mail, a written notice of his intention to arbitrate. Such notice must state in substance that unless within twenty (20) days after its service, the party served therewith shall serve a notice of motion to stay the arbitration, he shall thereafter be barred from putting in issue the existence or validity of the agreement or the failure to comply therewith.

Arbitrators fix time and place.

SEC. 7. The arbitrators shall appoint a time and place for the hearing and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party, and for good cause, may postpone the hearing to a time not extending beyond the date fixed for making the award.

Majority may determine.

All the arbitrators shall meet and act together during the hearing but a majority of them may determine any question and render a final award. The Court shall have power to direct the arbitrators to proceed promptly with the hearing and determination of the controversy.

SEC. 8. If any party neglects to appear before the arbitrators after reasonable notice of the time and place of hearing, the arbitrators may nevertheless proceed to hear and determine the controversy upon the evidence which is produced before them.

Failure to appear no bar to hearing.

SEC. 9. If the time within which the award shall be made is not fixed in the arbitration agreement, the award shall be made within thirty (30) days from the closing of the proceeding, and any award made after the lapse of such thirty (30) days shall have no legal effect, unless the parties extend the time in which said award may be made or ratify any award made after the expiration of the thirty (30) day period. Any extension of time or ratification of the award shall be in writing and signed by all parties to the arbitration.

Award to be made within 30 days.

Ratification in writing.

SEC. 10. Any party shall have the right to be represented by an attorney at law in any arbitration proceeding or any hearing before the arbitrators.

Attorney may represent.

SEC. 11. The arbitrators, or a majority of them, may require any person to attend as a witness, and to bring with him any book, record, document or other evidence. The fees for such attendance shall be the same as the fees of witnesses in the Superior Court. Each arbitrator shall have the power to administer oaths.

Attendance required.

Witness fees.

Subpoenae shall issue and be signed by the arbitrators, or any one of them, and shall be directed to the person and shall be served in the same manner as subpoenae to testify before a court of record in this state. If any person so summoned to testify shall refuse or neglect to obey such subpoenae, upon petition authorized by the arbitrators or a majority of them, the court may compel the attendance of such person before the said arbitrator or arbitrators, or punish said person for contempt in the same manner now provided for the attendance of witnesses or the punishment of them in the courts of this state.

Subpoenae.

Refusal punishable as contempt.

Depositions
as in suits.

SEC. 12. Depositions may be taken with or without a commission in the same manner and upon the same grounds as provided by law for the taking of depositions in suits pending in the Courts of Record in this state.

Order to
preserve
property.

SEC. 13. At any time before final determination of the arbitration the Court may upon application of a party to the agreement to arbitrate make such order or decree or take such proceeding as it may deem necessary for the preservation of the property or for securing satisfaction of the award.

Award in
writing.

SEC. 14. The award shall be in writing and signed by the arbitrators or by a majority of them. The arbitrators shall promptly upon its rendition deliver a true copy of the award to each of the parties or their attorneys.

Application
to confirm
award.

SEC. 15. At any time within one (1) year after the award is made, unless the parties shall extend the time in writing, any party to the arbitration may apply to the Court for an order confirming the award, and the Court shall grant such an order unless the award is vacated, modified, or corrected, as provided in sections 16 and 17. Notice in writing of the motion must be served upon the adverse party, or his attorney, five (5) days before the hearing thereof. The validity of an award, otherwise valid, shall not be affected by the fact that no motion is made to confirm it.

Notice in
writing.

Grounds
for vacating
award.

SEC. 16. In any of the following cases the Court shall after notice and hearing make an order vacating the award, upon the application of any party to the arbitration:

(a) Where the award was procured by corruption, fraud or other undue means.

(b) Where there was evident partiality or corruption in the arbitrators or any of them.

(c) Where the arbitrators were guilty of misconduct, in refusing to postpone the hearing, upon

sufficient cause shown, or in refusing to hear evidence, pertinent and material to the controversy; or of any other misbehavior, by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a final and definite award upon the subject matter submitted was not made.

(e) If there was no valid submission or arbitration agreement and the proceeding was instituted without either serving a notice of intention to arbitrate, as provided in section 6, or without serving a motion to compel arbitration, as provided in section 4, subsection 1.

An award shall not be vacated upon any of the grounds set forth under subsections (a) to (d), inclusive, unless the Court is satisfied that substantial rights of the parties were prejudiced thereby.

Limitation.

Where an award is vacated, the Court may, in its discretion, direct a rehearing either before the same arbitrators or before new arbitrators to be chosen in the manner provided in the agreement for the selection of the original arbitrators and any provision limiting the time in which the arbitrators may make a decision shall be deemed applicable to the new arbitration and to commence from the date of the Court's order.

May direct rehearing.

SEC. 17. In any of the following cases, the Court shall, after notice and hearing, make an order modifying or correcting the award, upon the application of any party to the arbitration:

Grounds for modifying award.

(a) Where there was an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property, referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them.

(c) Where the award is imperfect in a matter of form, not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof.

Notice of motion to vacate.

SEC. 18. Notice of a motion to vacate, modify or correct an award shall be served upon the adverse party, or his attorney, within three (3) months after a copy of the award is delivered to the party or his attorney. Such motion shall be made in the manner prescribed by law for the service of notice of a motion in an action. For the purposes of the motion any judge who might make an order to stay the proceedings, in an action brought in the same Court, may make an order to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

Jurisdiction.

Judgment follows order.

SEC. 19. Upon the granting of an order, confirming, modifying, correcting or vacating an award, judgment or decree shall be entered in conformity therewith. Costs of the application and of the proceedings subsequent thereto, not exceeding twenty-five dollars (\$25) and disbursements, may be awarded by the Court in its discretion.

Award of costs.

Clerk to file judgment roll.

SEC. 20. Immediately after entering judgment, the clerk must attach together and file the following papers, which constitute the judgment roll:

Contents.

1. The agreement; the selection or appointment, if any, of an additional arbitrator, or umpire; and each written extension of the time, if any, within which to make the award.

2. The award.

3. Each notice, affidavit or other paper used upon an application to confirm, modify or correct the award, and a copy of each order of the Court upon such an application.

4. A copy of the judgment.

The judgment may be docketed as if it was rendered in an action.

SEC. 21. The judgment so entered has the same force and effect, in all respects as, and is subject to

all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

Effect of judgment.

SEC. 22. An appeal may be taken from any final order made in a proceeding under this act, or from a judgment entered upon an award, as from an order or judgment in any civil action.

Right of appeal.

SEC. 23. Sections 264, 265, 266, 267, 268, 269, 270, 271, 272, 273 and 274 of the Code of 1881 (sections 420 to 430, both inclusive, Remington's Revised Statutes; sections 7339 to 7349, both inclusive, Pierce's Code) are hereby repealed: *Provided, however,* That arbitration proceedings pending upon the effective date of this act may be carried through to final judgment under the provisions of said sections, which are hereby continued in effect for such purposes only.

Sections repealed.

Proviso.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 139.

[S. B. 238.]

ELECTION OF SHERIFFS.

AN ACT relating to the election, qualification, term of office, and bonding of Sheriffs; prescribing the duties of certain officers; and amending section 4155, Remington's Revised Statutes.

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

SECTION 1. Section 4155, Remington's Revised Statutes, is amended to read as follows:

Amendments.

Section 4155. There shall be elected in each county in this state a Sheriff, who shall possess the qualifications of a voter, and hold his office for the

Sheriff, qualifications and term.

Sheriff to
execute bond.

term of four years, and shall, before he enters upon the duties of his office, execute a surety company bond, executed by a surety company duly authorized to do business in this state, in a penal sum not less than two thousand dollars nor more than twenty-five thousand dollars.

Bond shall
be always
maintained.

SEC. 2. Whenever under the laws of this state the company acting as surety in the official bond of a Sheriff shall be disqualified, insolvent, or the penalty of such bond shall become insufficient on account of recovery had thereon, or otherwise, it shall be the duty of the Sheriff to submit a new or additional bond for approval to the Board of County Commissioners, if in session, or, if not in session, for the approval of the chairman of such board, and file the same, when approved, in the office of the County Clerk of his county, and such new or additional bond shall be in a penal sum sufficient in amount to equal the sum specified in the original bond when added to the penalty of any existing bond, so that under one or more bonds there shall always be an enforceable obligation of the surety on the official bond or bonds of the Sheriff in a penal sum of not less than the amount of the bond as originally approved.

Passed the Senate March 4, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 140.

[S. B. 249.]

FINANCIAL RESPONSIBILITY OF OWNERS AND OPERATORS OF MOTOR VEHICLES.

AN ACT relating to the giving of proof of financial responsibility by owners and operators of motor vehicles; providing for the suspension of licenses upon certain conditions; and amending section 9, chapter 158, Laws of 1939, as amended by section 3, chapter 122, Laws of 1941 (section 6600-109, Rem. Supp. 1941).

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

SECTION 1. Section 9, chapter 158, Laws of 1939, as amended by section 3, chapter 122, Laws of 1941 (section 6600-109, Rem. Supp. 1941), is amended to read as follows: Amendments.

Section 9. *Proof Required in the Event of Certain Judgments.* The motor vehicle operator's license shall (except as provided in section 12) be forthwith suspended by the Director upon receiving from the court in which rendered a certificate, in the form prescribed by the Director, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which appeal might have been perfected, or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any District Court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of \$100.00, resulting from the maintenance, use or operation of a motor vehicle: *Provided*, That such a motor vehicle operator's license shall not be suspended or withheld from any person for the reason that such person has failed to satisfy in accordance with the above provisions any judgment rendered against him on account of a personal Proof required.
License suspended.
Minimum limitation of judgment.
Not to apply when judgment debtor not driver.

injury, including death or damage to property where the judgment debtor was not personally operating the vehicle at the time of the injury or damage, whether such judgment has been rendered prior to the date of this act or thereafter.

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 141.

[S. B. 250.]

EMPLOYMENT OF HONORABLY DISCHARGED SOLDIERS AND SAILORS.

AN ACT relating to the employment of honorably discharged soldiers and sailors of the United States, and their widows, in the public departments and upon all public works of the State of Washington and of any county thereof, and amending section 10753, Remington's Revised Statutes.

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

Amendments. SECTION 1. Section 10753, Remington's Revised Statutes, is amended to read as follows:

Veterans' preference on public works.

Section 10753. In every public department, and upon all public works of the State of Washington, and of any county thereof, honorably discharged union soldiers and sailors, and their widows, and honorably discharged soldiers and sailors, and their widows, of the Spanish-American war and the Philippine insurrection, and of the war with Germany and her allies, and their widows, and of the existing war with Germany, Italy and Japan and their allies, and their widows, shall be preferred for appointment and employment; age, loss of limb, or other physical impairment, which does not in fact incapac-

icate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved.

Passed the Senate February 27, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 142.

[H. B. 44.]

BANKS AND BANKING.

AN ACT relating to banks and banking, prescribing limitations upon loans and amending section 21, chapter 42, Laws of 1933 (sec. 3258, Rem. Rev. Stat.).

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

SECTION 1. That section 21, chapter 42, Laws of 1933 (sec. 3258, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 21. The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ten per cent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: Borrower's liability limited.

Provided, That loans secured by collateral security having an ascertained market value of at least fifteen per cent more than the amount of the loans secured, shall not be limited by this section. Discounts not to be considered borrowings.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured Providso.

Certain loans excepted.

or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any Federal Reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

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

Passed the House February 8, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 143.

[H. B. 133.]

BANKS AND TRUST COMPANIES.

AN Act relating to banks and trust companies, and providing for the payment of bank accounts of deceased persons of five hundred dollars (\$500) or less to certain persons without requiring an administrator to be appointed.

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

Bank may
pay
surviving
spouse.

Maximum
amount.

Bank
released.

SECTION 1. On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount of deposit does not exceed the sum of five hundred dollars (\$500) upon receipt of an affidavit from the surviving spouse, to the effect that the depositor died intestate and had on deposit in all banks and trust companies within the State of Washington money not exceeding the sum of five hundred dollars (\$500). The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

SEC. 2. No probate proceedings shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: *Provided, however,* Whenever an administrator is appointed in an estate where a withdrawal of deposits has been had in compliance with this act, the spouse so withdrawing said deposits shall account for the same to the administrator.

Probate not required.

Proviso.

Passed the House February 8, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 144.

[H. B. 177.]

EXCISE TAX ON MOTOR VEHICLES AND TRAILERS.

AN ACT relating to revenue and taxation; providing for an excise tax upon certain motor vehicles and trailers in lieu of property taxes thereon, and for the allocation of revenues derived therefrom; limiting the county property tax levy for support of the common schools; prescribing certain duties of certain state and county officers and their appointees, and others; creating the Motor Vehicle Excise Fund; making an appropriation; declaring certain acts to constitute a gross misdemeanor; repealing chapter 228 of the Laws of 1937, as amended by sections 1 and 2, chapter 206, Laws of 1939 (section 6312-101 to 6312-114, inclusive, Remington's Revised Statutes); and providing when and in what manner this act shall take effect.

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

SECTION 1. Unless otherwise indicated by the context of this act, the term "motor vehicle" shall mean and include all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but the term shall not include (a)

"Motor vehicle" defined.

Exceptions.	stages or auto-freight trucks or their trailers operated as common carriers for the conveyance of passengers or freight for hire between fixed termini and over regular routes, (b) vehicles carrying exempt licenses, (c) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets or highways, or (d) motor vehicles or their trailers used entirely upon private property. The term "Commission" or "Tax Commission" shall mean the Tax Commission of the State of Washington.
Definitions: "Commission".	The term "person" shall include a firm, partnership, or corporation.
"Person".	
Excise tax on motor vehicles.	SEC. 2. An excise tax is hereby imposed for the privilege of using in the State of Washington any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be one and one-half per cent (1½%) of the fair market value of such vehicle: <i>Provided, however,</i> That in no case shall the minimum tax be less than one dollar (\$1).
Per cent.	
Minimum tax.	
Dealers' tax.	SEC. 3. Every dealer in motor vehicles, for the privilege of using any motor vehicle eligible to be used under a set of dealer's license plates, shall pay an excise tax of two dollars (\$2), and such tax shall be collected upon the issuance of each original set of dealer's license plates, and also a similar tax shall be collected upon the issuance of each set of dealer's duplicate license plates, which taxes shall be in addition to any tax otherwise payable under this act.
Amount.	
Schedule to be prepared.	SEC. 4. The Tax Commission and association of County Assessors of the state shall prepare and, on or before November 1st of each year, furnish to the County Auditor of each county in the state a schedule for use in the collection of the excise tax imposed by this act. Such schedule shall be based upon such information as may be available to them per-
Basis for schedule.	

taining to the fair market value of motor vehicles. Such vehicles shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in section 2 of this act. In determining such fair market value, the Commission and County Assessors may use any guidebook, report or compendium of recognized standing in the automotive industry. Such schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the County Auditor to ascertain readily the amount of tax applicable to any particular motor vehicle.

Vehicles
to be
classified.

Guide to
classification.

SEC. 5. Whenever a person shall apply to the County Auditor for a license for a motor vehicle which does not appear upon such schedule, such applicant shall be required to apply to the County Assessor of his or its county for computation of the amount of excise tax due. Upon any such application the Assessor shall appraise the vehicle at its fair market value from such automotive guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of one and one-half per cent (1½%) and thereupon the applicant shall be given a certificate showing the excise tax payable under this act.

Appraisal
of vehicles
not listed.

Assessor to
appraise.

SEC. 6. The excise tax hereby imposed shall be due and payable to the County Auditor at the time of registration of a motor vehicle. Whenever an application is made to the Auditor for a license for a motor vehicle he shall then and there collect, in addition to the amount of the license fee, the amount of the excise tax imposed by this act, and no dealer's license or license plates, and no license or license

Tax payable
on
registration.

Calendar
year tax
period.

Fractional
year proviso.

Minimum
tax in
any case.

Taxable
only once
in year.

plates for a motor vehicle shall be issued unless and until such tax is paid in full. The excise tax hereby imposed shall be collected for each calendar year: *Provided*, That upon motor vehicles licensed for the first time in this state after March 31st of any year the excise tax imposed by this act for such year shall be reduced by one-fourth ($\frac{1}{4}$) thereof, upon vehicles licensed for the first time in this state after June 30th of any year the excise tax shall be reduced by one-half ($\frac{1}{2}$) thereof and upon vehicles licensed for the first time in this state after September 30th of any year the excise tax shall be reduced by three-fourths ($\frac{3}{4}$) thereof: *Provided*, That the minimum excise tax shall in no case be less than one dollar (\$1). No additional tax shall be imposed under this act upon any vehicle upon the transfer of ownership thereof if the tax imposed by section 2 hereof with respect to such vehicle has already been paid for the year or fraction of a year in which transfer of ownership occurs.

SEC. 7. The taxes imposed by sections 2 and 3 of this act are in addition to all other licenses and taxes otherwise imposed.

Unlawful to
issue license
without
collecting
tax.

Penalty.

SEC. 8. It shall be unlawful for the County Auditor or any other person to issue a dealer's license or dealer's license plates or a license or identification plates with respect to any motor vehicle without collecting, with the required license fee, the amount of the excise tax due thereon under the provisions of this act. Any violation of this section shall constitute a gross misdemeanor.

Auditor to
give receipt.

SEC. 9. The County Auditor shall give to each person paying the excise tax under section 2 of this act a receipt therefor which shall sufficiently designate and identify the vehicle with respect to which such tax is paid, and a receipt shall be given to any person paying the excise tax under section 3 of this act. Any such receipt may be incorporated in the

receipt given for the motor vehicle license fee or dealer's license fee so paid.

SEC. 10. The County Auditor shall regularly, when remitting license fee receipts, pay over and account to the State Treasurer for the excise taxes collected under the provisions of this act, all of which excise tax revenue shall upon receipt thereof be credited by the State Treasurer to a fund which is hereby created to be known as the Motor Vehicle Excise Fund.

Tax to be remitted regularly.

Fund.

SEC. 11. Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this act, and the State Director of Licenses shall determine that said person is entitled to a refund of the entire amount of said license fee as provided by law, then said person shall also be entitled to a refund of the entire excise tax collected under the provisions of this act. In case the Director of Licenses shall determine that any person is entitled to a refund of only a part of the license fee so paid, such person shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the State Treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the Tax Commission and the Association of County Assessors. In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the Tax Commission shall determine in the manner generally provided in this act the amount of such excess, if any, that has been paid and shall certify to the State Treasurer that such person is entitled to a refund in said amount. No refund of excise tax shall be allowed under the first or second sentences of this section unless application for a refund of license fee is filed with the Director of Licenses within the

Refunds; whole or part.

Claim for refund of excess paid.

Time limit for claiming refunds.

period provided by law, and no such refund shall be allowed under the third sentence of this section unless filed with the Tax Commission within ninety (90) days after such claimed excessive excise tax was paid. The State Treasurer is hereby authorized and directed to make the refunds herein provided for and shall mail or deliver the same to the person entitled thereto.

Treasurer authorized to make refunds.

First tax due in 1944.

SEC. 12. The first tax to be collected under sections 2 and 3 of this act shall be for the calendar year 1944 and the duties imposed upon the various state and county officers by this act shall be performed within such time or times as to give effect to this section. No motor vehicle shall be listed and assessed for *ad valorem* taxation in the year 1943 or any succeeding year, for taxes of the year 1944 or any succeeding year, so long as this act remains in effect, and any such assessment heretofore made in 1943 is hereby directed to be cancelled.

Ad valorem taxation barred.

License Director may appoint agents.

SEC. 13. Any duties required by this act to be performed by the County Auditor may be performed by any other person designated by the State Director of Licenses and authorized by said Director to receive motor vehicle license fees and issue receipt therefor.

Apportionment of fund.

SEC. 14. On February 1, 1944, and on the first day of each month thereafter, the State Treasurer shall make the following apportionment and distribution of all moneys in the Motor Vehicle Excise Fund: Five per cent (5%) thereof shall be credited and transferred to the State General Fund; fifteen per cent (15%) thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; and eighty per cent (80%) thereof shall be credited and transferred to the State School Equalization Fund. The amount so payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the

Apportionment to cities and towns.

basis of population, according to the latest Federal census: *Provided*, That the State Treasurer shall ascertain as of the first day of January of the year 1944 and each year thereafter whether, subsequent to the latest regular Federal decennial census, any official estimate of the population of any city or town in this state has been made by the Federal Bureau of Census, and if any such estimate has been made the latest of such estimates for any such city or town shall be used in apportioning instead of the population shown in such regular census, and the apportionment so ascertained as of the first day of January of each year shall be used by the Treasurer throughout that calendar year. When so apportioned, the amount payable to each such city and town shall be transmitted to the City Treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise: *Provided, however*, That in case it be adjudged that revenue derived from the excise tax imposed by this act cannot lawfully be apportioned or distributed to cities or towns, then and in that case all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the State General Fund.

Latest official census bureau estimate to be used.

Transmittal.

Purposes for which used.

Proviso.

SEC. 15. The county tax required by section 2, chapter 226, Laws of 1937 (section 4936, Remington's Revised Statutes) to be levied annually in an amount sufficient to produce five cents per pupil per attendance day shall not in any case exceed nine-tenths (.9) of one (1) mill on each dollar (\$1) of assessed valuation of property in the several counties. Revenues derived from the excise imposed under this act shall be apportioned from the State School Equalization Fund to counties entitled thereto for common school support in the same manner, at the same time and upon the same basis as said State

Limitation of county tax.

Distribution of school equalization fund.

Appropriation.

School Equalization Fund is required to be apportioned to counties under said section 2 (4936). There is hereby appropriated from the Motor Vehicle Excise Fund the sum of four hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary for the purpose of making the apportionments and distributions of revenue from the excise taxes provided by this act to the State General Fund and to cities and towns as provided in section 14 hereof.

Repeal: Effective Nov. 30, 1943, at midnight.

SEC. 16. Effective at 12:00 o'clock, midnight, November 30, 1943, chapter 228, Laws of 1937, as amended by sections 1 and 2, chapter 206, Laws of 1939, or as the same may be hereafter further amended, (sections 6312-101 to 6312-114, inclusive, Remington's Revised Statutes) is hereby repealed:

Proviso.

Provided, however, That all proceedings for the assessment or levy or collection of any tax remaining incomplete at the time such repeal becomes effective may be completed pursuant to the provisions of this act or any other law then existing and applicable thereto: *And, Provided further,* That in so far as the same conflict with any provisions of chapter 228, Laws of 1937, as amended by sections 1 and 2, chapter 206, Laws of 1939, while said chapter 228, as so amended, is in force, the provisions of said chapter 228, as so amended, except as to the assessment and taxation of dealer's stocks, shall be held and adjudged to control and take precedence over the provisions of this act.

Proviso.

Saving clause.

SEC. 17. If any provision of this act relating either to the apportionment or allocation of the revenue derived from the excise tax thereby imposed, or to any appropriation made by this act, be adjudged unconstitutional, such adjudication shall not be held to render unconstitutional or ineffectual the remaining portions of said act or any part thereof:

Proviso.

Provided, however, That except as otherwise hereinabove provided by this section, if any section or

part of a section of this act be adjudged unconstitutional, this entire act shall thereupon be and become inoperative and of no force or effect whatsoever.

SEC. 18. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately. Effective immediately.

Passed the House February 16, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 145.

[H. B. 69.]

COUNTY BUDGETS.

AN ACT relating to the budget system for making and controlling county estimates, providing for hearings thereon and the fixing of tax levies therefor and amending section 1, chapter 99, Laws of 1941 (section 3997-4, Remington's Revised Statutes).

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

SECTION 1. That section 4 of chapter 164, Laws of 1923 as amended by section 1, chapter 99, Laws of 1941 (section 3997-4, Remington's Revised Statutes), be and the same is hereby amended to read as follows: Amendments.

Section 4. On the first Monday in October in each year the County Commissioners shall meet at the time and place designated in said notice, whereat any taxpayer may appear and be heard for or against any part of such budget. Such hearings may be continued from day to day until concluded but not to exceed a total of five days. The officials in charge of the several offices, departments, services and institutions shall, at the time the estimates for their respective offices, departments, services or institu-

Time for hearing on budget.

Taxpayers may be heard.

Hearings may be continued.

Officials to be called.

tions are under consideration, be called in and appear before such hearing by the County Commissioners at the request of any taxpayer and may be questioned concerning such estimates by the Commissioners or any taxpayer present.

Commissioners to fix budget by item.

Adopt resolution.

Upon the conclusion of such hearing the County Commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the Division of Municipal Corporations.

To fix levy.

The County Commissioners shall then fix the amount of the levies necessary to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation including such portion of any available surplus as in the discretion of the Commissioners it shall be advisable to so use, and such expenditures as are to be met from bond or warrant issues: *Provided*, That no county shall retain an unbudgeted cash balance in the Current Expense Fund in excess of a sum equal to the proceeds of a five mill levy against the assessed valuation of the county. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

Unbudgeted cash balance limited.

Levy not to exceed preliminary budget.

Passed the House February 19, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 146.

[S. H. B. 76.]

MINE TO MARKET ROADS.

AN ACT relating to public highways and the establishment, location, construction and maintenance of mine to market roads, and amending sections 3, 4, 5 and 6, chapter 175, Laws of 1939 (sections 6450-25c, 6450-25d, 6450-25e and 6450-25f, Remington's Revised Statutes).

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

SECTION 1. That section 3, chapter 175, Laws of 1939 (section 6450-25c, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 3. A written petition for the designation and establishment of a mine to market road may be presented to the Board of County Commissioners of the county wherein such road is to be established or to the respective Boards of County Commissioners wherein such road is to be established if the same extends into or through two or more counties, by five (5) or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road. Five or more interested parties may petition.

Petition to state known facts.

SEC. 2. That section 4, chapter 175, Laws of 1939 (section 6450-25d, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 4. No mine to market road shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for and such petition shall have been approved by the Board of County Commissioners of Approval of petition prerequisite.

Petition to
be sent to
commission.

Commission
may dismiss
if not
feasible.

Directors
may cause
separate
investiga-
tions.

Results to be
considered.

Dismiss if
not feasible.

Findings
if feasible.

the county wherein such proposed road is situated or by the respective Boards of County Commissioners if said road extends into more than one county, and such petition, by such board or boards, shall have been forwarded to the Mines to Market Roads Commission. The Commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said Commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road and as to the value of such mine to market road to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road. The results of such independent investigations by the two directors shall be considered by the Commission, and if the Commission finds that the facts indicate that the proposed mine to market road is not feasible the petition shall be then dismissed with notification accordingly in writing by the Commission forwarded to the Board or Boards of County Commissioners that previously approved such petition; but when the Commission finds that the investigations show feasibility and advisability the Commission shall find and determine that said mine to market road is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter pro-

vided and the Commission shall accordingly in writing notify the Board or Boards of County Commissioners that shall have previously approved the petition: *Provided*, That in thus establishing a mine to market road the Commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition.

Notify board or boards in writing.

May change route.

SEC. 3. That section 5, chapter 175, Laws of 1939 (section 6450-25e, Remington's Revised Statutes), is amended to read as follows:

Amendments

Section 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads providing access to such mineral areas or centers of mining development as shall have been determined by the Commission. The Commission may, in its discretion, authorize such construction either by day labor or contract.

Director to construct mine to market roads.

SEC. 4. That section 6, chapter 175, Laws of 1939 (section 6450-25f, Remington's Revised Statutes), is amended to read as follows:

Amendments.

Section 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road shall be expended by the Director of Highways for such purposes upon the basis of the state contributing seventy-five per cent (75%) of the cost of such work and the county through which such mine to market [road], or any portion thereof, shall pass, contributing twenty-five per cent (25%) thereof. The contribution to be made by any county of the State of Washington for the use of the Director of Highways in the establishment, location and construction of mine to market roads, shall be deposited in the motor vehicle fund by such county and set apart for the use of the Director of Highways for such purposes: *Provided, however*, In lieu of such deposit the Board or Boards of County Commissioners, as the case may be, may by resolution, a certified copy

Allocation of cost.

County contribution to be earmarked.

Proviso.

Counties
may direct
use of gas
tax money.

Federal
funds
provided for.

May conform
to Federal
plan.

Contribution
of private
funds.

Contributions
credited to
counties.

of which shall be forwarded to the State Auditor, authorize and direct such Auditor to allocate a sufficient amount of money necessary to total twenty-five per cent (25%) of the cost of any such road from the county's or counties' share of gas tax monies and directing said State Auditor to charge such sum against any gas tax monies payable to such county or counties. In the event that any funds are made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road, such funds shall be received by the State Treasurer of the State of Washington and made available to the Director of Highways for such purpose: *Provided*, That the Director of Highways and all officers, departments, boards or commissions of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contribution shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of the Motor Vehicle Fund of the State of Washington for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road, or that portion thereof for which such contribution was made. Any contribution, from whatever source, received in aid of the construction of a mine to market road shall be first credited by the State Treasurer to that proportion of the cost of such mine to market road which is by this section required to be borne by the county.

Whenever, upon completion of a mine to market road, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine to market road, the Commission shall submit its voucher to the State Auditor for the issuance of a warrant in favor of the donor against the Motor Vehicle Fund in the amount of such unexpended balance.

Refund of
excess con-
tributions.

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

Effective
immediately.

Passed the House February 19, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 147.

[H. B. 122.]

SECONDARY STATE HIGHWAYS.

AN ACT relating to Secondary State Highways; and amending section 13, chapter 207, Laws of 1937 (section 6402-13, Remington's Revised Statutes, Volume 7A).

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

SECTION 1. Section 13, chapter 207, Laws of 1937 (section 6402-13, Remington's Revised Statutes, Volume 7A) is amended to read as follows:

Amendments.

Section 13. Secondary state highways as branches of Primary State Highway No. 12 are hereby established according to designation and description as follows:

Secondary
highways
established.

(a) Secondary State Highway No. 12A; beginning at a junction with Primary State Highway No.

S. S. H. 12A.

12 in the vicinity south of Seaview, thence in a northerly direction by the most feasible route by way of Seaview and Long Beach to Ocean Park;

S. S. H. 12B. (b) Secondary State Highway No. 12B; beginning at Megler on Primary State Highway No. 12, thence in an easterly and northerly direction to a junction with Primary State Highway No. 12 in the vicinity north of Naselle;

S. S. H. 12C. (c) Secondary State Highway No. 12C; beginning at a junction with Primary State Highway No. 12 in the vicinity west of Grays river, thence in a southerly direction by the most feasible route to the shore of the Columbia river;

S. S. H. 12D. (d) Secondary State Highway No. 12D; beginning at a junction with Primary State Highway No. 12 in the vicinity north of Cathlamet, thence in a northeasterly direction by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river;

S. S. H. 12E. (e) Secondary State Highway No. 12E; beginning at a junction with Primary State Highway No. 12 in the vicinity west of Chehalis, thence in a southerly direction by the most feasible route by way of Napavine and Winlock to a junction with Primary State Highway No. 1 in the vicinity north of Toledo;

S. S. H. 12F. (f) Secondary State Highway No. 12F; beginning at the town of Cathlamet at the intersection of Primary State Highway No. 12, and the north approach of the Puget Island Bridge, thence crossing said bridge, thence in a general southerly direction by the most feasible route to the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island: *Provided, however,* That the State of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and

Proviso.

interest thereon, shall remain the sole obligation of the obligors named on said bonds.

Passed the House March 3, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 148.

[H. B. 130.]

BANKS, TRUST COMPANIES AND MUTUAL SAVINGS BANKS.

AN ACT relating to banks, trust companies and mutual savings banks and providing for the extension of time of existence thereof, and for amendments to articles of incorporation, amending section 27, chapter 80, Laws of 1917 (sec. 3234, Rem. Rev. Stat.).

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

SECTION 1. That section 27, chapter 80, Laws of 1917 (sec. 3234, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 27. At any time not less than one year prior to the expiration of the time of the existence of any bank, trust company or mutual savings bank, it may by written application to the Supervisor of Banking, signed and verified by a majority of its directors and approved in writing by the owners of not less than two-thirds of its capital stock, apply to the Supervisor of Banking for leave to file amended articles of incorporation, extending its time of existence. The Supervisor shall forthwith make a complete examination of such applicant. If he determines that the applicant is in sound condition, that it is conducting its business in a safe manner and in compliance with law and that no reason exists why it should not be permitted to continue, he shall issue to the applicant a certificate authoriz- Application to extend time of existence.
Supervisor to examine.

Certificate shall issue.

ing it to file amended articles of incorporation extending the time of its existence until such time as it be dissolved by the act of its shareholders owning not less than two-thirds of its stock, or until its certificate of authority becomes revoked or forfeited by reason of violation of law, or until its affairs be taken over by the Supervisor of Banking for legal cause and finally wound up by him. Otherwise he shall notify the applicant that he refuses to grant such certificate. The applicant may appeal from such refusal in the same manner as in the case of a refusal to grant an original certificate of authority. Otherwise the determination of the Supervisor shall be conclusive.

Notice of refusal.

Applicant may appeal.

Applicant may amend articles when approved.

Upon receiving a certificate, as hereinabove provided, the applicant may file amended articles of incorporation, extending the time of its existence for the term authorized, to which shall be attached a copy of the certificate of the Supervisor. Such articles shall be filed in the same manner and upon payment of the same fees as for original articles of incorporation.

Fees for articles.

Should any bank, trust company or mutual savings bank fail to continue its existence in the manner herein provided and be not previously dissolved, the Supervisor of Banking shall at the end of its original term of existence immediately take possession thereof and wind up the same in the same manner as in the case of insolvency.

Passed the House February 8, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 149.

[H. B. 142.]

ERADICATION OF BOVINE TUBERCULOSIS AND BANG'S DISEASE.

AN ACT relating to the Departemnt of Agriculture; making an appropriation for the payment of indemnities in the eradication of bovine tuberculosis and Bang's disease; and for the production or purchase of certain biologics for the control and eradication of certain animal diseases; and for the payment of salaries and operating expenses of veterinarians for animal disease control and eradication, for the period beginning with the approval of this act and ending March 31, 1945, and declaring an emergency.

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

SECTION 1. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of the general fund of the state treasury for the payment of indemnities to the owners of cattle slaughtered in the eradication of bovine tuberculosis, para-tuberculosis and Bang's disease, and for the employment of veterinary inspectors including salaries and operating expenses, and for the production or purchase of biological products to be used in the control and eradication of animal diseases for the fiscal biennium ending March 31, 1945, incurred in the eradication of bovine tuberculosis, para-tuberculosis and Bang's disease.

Purpose.

Indemnities for deceased animals.

For biennium.

For bovine tuberculosis and para-tuberculosis indemnities	\$10,000.00	Appropriation.
For Bang's disease indemnities.....	185,000.00	
For the employment of veterinary inspectors including salaries and operating expenses.....	75,000.00	
For the production or purchase of biological products including vaccines for Bang's disease control and eradication	7,500.00	

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

Effective immediately.

ing public institutions and shall take effect immediately.

Passed the House February 18, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 150.

[S. H. B. 155.]

HORTICULTURE.

AN ACT relating to horticulture; amending sections 1, 2, 3, 10, 11, 15, 25, 26 and 27, chapter 166, Laws of 1915, as amended (sections 2839, 2840, 2841, 2848, 2849, 2853, 2863, 2864 and 2865, Remington's Revised Statutes; sections 2707, 2708, 2709, 2716, 2717, 2721, 2731, 2732, 2733, Pierce's Code); section 13, chapter 141, Laws of 1921 (section 2872, Remington's Revised Statutes; section 2737a, Pierce's Code); section 14, chapter 20, Laws of 1941 (section 2849-2e, Remington's Revised Statutes, Supplement 1941), and section 3, chapter 189, Laws of 1941 (section 2867c, Remington's Revised Statutes, Supplement 1941), and repealing section 28, chapter 166, Laws of 1915 (section 2866, Remington's Revised Statutes; section 2734, Pierce's Code).

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

Amendments. SECTION 1. That section 1, chapter 166, Laws of 1915, as amended by section 1, chapter 141, Laws of 1921, section 1, chapter 311, Laws of 1927 and section 1, chapter 148, Laws of 1937 (section 2839, Remington's Revised Statutes; section 2707, Pierce's Code), be amended to read as follows:

Definitions. Section 1. That the term "Director" whenever used in this act shall be held and construed to mean the Director of Agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant Director of Agriculture for the Division of Horticulture; and the term "horticultural inspector" and the

term "inspector" wherever used in this act shall be held and construed to mean an inspector of the Department of Agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose stock, forest and ornamental trees and shrubs (both deciduous and evergreen), bulbs, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs and all other fruit bearing plants and parts thereof and plant products for propagation or planting (vegetable plants excluded); the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act, shall be held and construed to mean and include being affected by or infested with the diseases or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; the term "disinfect" and its derivatives shall be held and construed to mean and include cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act, or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the Director of Agriculture; and the term "person" wherever used in this act shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations; and the term "agent" wherever used in this act shall be held and construed to mean and include any person acting as agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock, who is selling from catalogue or from samples only and who makes

Definitions.

no deliveries at the time of solicitation and is representing a person licensed under this act.

Amendments.

SEC. 2. That section 2, chapter 166, Laws of 1915, as amended by section 1, chapter 195, Laws of 1919, by section 2, chapter 141, Laws of 1921 and by section 2, chapter 311, Laws of 1927 (section 2840, Remington's Revised Statutes; section 2708, Pierce's Code), be amended to read as follows:

Duties of Director of Agriculture.

Section 2. The Director of Agriculture shall have the power and it shall be his duty:

Control horticulture.

(a) To exercise a general supervisory and directory control over the horticultural interests of the state.

Disseminate information.

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of preventing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same.

Publish and distribute reports.

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes; ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means and methods of controlling, curing, removing, eradicating, and disinfecting for such diseases and pests.

License nurserymen.

(d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violation of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the holder, the date of issue and the date of expiration or revocation.

Furnish estimates annually to county boards.

(e) To furnish to the Board of County Commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms and nurseries,

fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruit, fruit products, vegetables, and packing houses, warehouses, dry-houses, storerooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county.

(f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors-at-large and local inspectors: *Provided*, That not more than twenty inspectors-at-large shall be appointed.

Appoint
inspectors.

Number
limited.

(g) The Director may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspector-at-large and local inspectors.

May appoint
local
inspectors.

Serve
without pay.

(h) To make, adopt, issue and publish from time to time, and enforce general rules and regulations governing the grading, packing, and the size and dimensions of commercial containers of fruits, vegetables and nursery stock.

Make rules.

(i) To formulate, promulgate and enforce regulations fixing commercial grades of fruits, vegetables and nursery stock and providing for the inspection of the same for either market or seed purposes, and furnishing of certificates of inspection.

Enforce
grading
rules.

(j) To declare, promulgate and enforce quarantine measures for the protection of any agricultural crop, forest trees, forest products or other products not otherwise protected by law against the ravages of destructive or injurious insects or diseases. To adopt, promulgate and enforce rules and regulations for the inspection, grading and certification of growing crops of agricultural or vegetable

Declare
quarantines.

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

Regulate taking of native plants.

(k) To issue regulations covering the collecting of native plants or parts thereof; to prohibit collecting of such plants where the manner of collecting is destructive or may result in the extermination of that species or variety, in general, or in certain localities.

Powers of assistant director and inspectors.

The Director of Agriculture, and under his direction and control, the Assistant Director and the horticultural inspectors, shall have the power and it shall be their duty:

Enforcement.

(a) To enforce the provisions of this act and all laws relating to horticultural interests.

Inspection for infection.

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines, or bushes, ornamental trees, or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry-houses, warehouses, storerooms, depots, docks, cars, vessels, and other places where fruits, vegetables, or nursery stock are packed, stored, shipped, or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found to be infected and for that purpose shall have free access to such property and premises at all times.

May require disinfection.

Inspection at request of owner.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies.

Report result.

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants, fruits, vegetables and nursery stock and packing houses, dry-houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits, or vegetables are packed, stored or shipped or held for shipment or delivery, or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after notice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock, cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed.

Disinfect orchards, etc.

May condemn and destroy.

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same, together with all dead nursery stock: *Provided*, That no inspector shall destroy more than ten per cent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines or shrubs without five days' notice to the shipper, during which time the owner or shipper shall have the right to apply to the chief officer of the Division of Horticulture.

Require sorting and repacking.

Limitation.

(f) To issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved.

Issue inspection certificates.

(g) To inspect or audit the books of any person during the business hours of any day who grows, sells or deals in nursery stock for the purpose of determining the kind of nursery license he should be required to obtain to be legally licensed.

Audit books of dealers.

SEC. 3. That section 3, chapter 166, Laws of 1915, as amended by section 3, chapter 141, Laws of 1921, section 1, chapter 37, Laws of 1923 and section 1, chapter 27, Laws of 1931 (section 2841, Remington's

Amendments.

Revised Statutes; section 2709, Pierce's Code), be amended to read as follows.

Inspectors-at-large; pay and expenses.

Section 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the Director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the State Treasurer by the State Auditor, upon vouchers signed and verified under oath by such inspectors and counter-signed by the Director or the Assistant Director and/or upon warrants drawn upon a trust fund derived from the certification of fruits and vegetables in the district in which said certification is performed in an amount not to exceed fifty per cent (50%) of the salary as paid by warrants drawn upon the State Treasurer by the Auditor upon vouchers signed and verified under oath by such inspectors and countersigned by the Director or Assistant Director: *Provided, however,* That such inspectors-at-large shall pass an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualify them to successfully carry on the work in the district to which they are assigned. In addition to inspectors-at-large whenever a petition is presented to the Board of County Commissioners of any county signed by twenty-five (25) or more persons, each of whom is a resident free-holder and owner of an orchard, berry farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes, or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said Board of County Commissioners shall by resolution request the appointment and assignment to duty in such county by the Director of Agriculture of such number of local inspectors and for such length of

Must pass examination.

Commissioners may ask for local inspectors.

By resolution.

time as such petition shall specify: *Provided, however,* That such local inspectors shall pass such an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The salaries as fixed by the County Commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the Director or the Assistant Director and ordered paid by the County Commissioners and the County Auditor shall issue warrants therefor upon the said county fund. If any county for any reason fails to appoint a county horticultural inspector as herein provided or if for any reason the county horticultural inspector is not available, then the nearest inspector available may perform such services, and his compensation and the necessary expenses incurred in the performance of his duty shall be charged against the county where the service is performed, as if he had been appointed by the County Commissioners of said county. All local inspectors shall be under the direction and control of the Director of Agriculture and the Assistant Director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Examination
of local
inspectors.

Counties to
pay local
inspectors.

Nearest
inspector
may perform
duties.

County shall
compensate.

Director
to control.

SEC. 4. That section 10, chapter 166, Laws of 1915, as amended by section 2½, chapter 195, Laws of 1919, section 1, chapter 108, Laws Extraordinary Session 1925 and section 1, chapter 150, Laws of 1929 (section 2848 of Remington's Revised Statutes; section 2716, Pierce's Code), be amended to read as follows:

Amendments.

Inspector
may condemn
infected
premises.

Serve written
notice.

Specify
time limit.

Officer may
act and
charge to
premises.

Service in
person
whenever
possible.

Service by
mail.

Notice by
posting.

Section 10. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disinfected or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person, and, in case the premises or property is in possession or charge of any other person than the owner thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his home or postoffice address is known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises

where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises or property cannot be had and the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, That in the case of nursery stock, fruit or vegetables about to be shipped or any shipment thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such case it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected

Service where owner not known.

Posting constructive personal service.

Duty of owner or person served.

Partially condemned shipments may be segregated.

Notice shall state.

Classes.

and destroy such as cannot be successfully disinfected: *And provided further*, That in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of using the condemned fruit or vegetables for stock feed or of manufacturing the same into by-products or of shipping the same to a by-product factory and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in writing so to do by an inspector. It shall be the duty of any common carrier to furnish the nearest horticultural office or horticultural inspector with the name of the consignor of the apples, the place indicated for loading and the date ordered for loading, as soon as possible and at or prior to the time of the issuance of the bill of lading on such car: *Provided, however*, That all apples shipped in bulk or as culls shall be accompanied by a written permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Condemned fruit and vegetables may be put to certain uses.

Written permit.

Sale or shipment unlawful without written permission.

Carrier to notify of apple shipments.

Permit for cull apple shipments.

Amendments. SEC. 5. That section 11, chapter 166, Laws of 1915, as amended by section 4, chapter 311, Laws of 1927, section 2, chapter 27, Laws of 1931 and section 4, chapter 168, Laws of 1935 (section 2849, Reming-

ton's Revised Statutes; section 2717, Pierce's Code), be amended to read as follows:

Section 11. In case the owner or person in charge of any premises or property required to be disinfected or destroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right to enter upon the premises to be destroyed or disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. In the event that the infected property has not been destroyed or properly and adequately sprayed by the owner or lessee within the time fixed in the notice provided for in the preceding sections, and the said officer has not so destroyed or sprayed said property, such property may be declared a public nuisance as provided by law and treated as such. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens of this section provided for shall in the case of personal property have precedence over all other liens.

Officer may perform acts if owner fails.

May be declared nuisance.

Expense becomes lien.

SEC. 6. That section 14, chapter 20, Laws of 1941 (section 2849-2e, Remington's Revised Statutes Supp. 1941), be amended to read as follows:

Amendments.

Section 14. It shall be illegal for any property owner or lessee to permit the piling or dumping, or for any person or persons to pile or dump any infested product on properties or to pile or dump infested containers where the dumping of the infested products or infested containers might consti-

Dumping infested products or containers unlawful.

tute a menace or source of infestation to growers of horticultural products.

Amendments.

SEC. 7. That section 25, chapter 166, Laws of 1915, as amended by section 12, chapter 311, Laws of 1927 (section 2863, Remington's Revised Statutes; section 2731, Pierce's Code), be amended to read as follows:

Notice of intention to ship.

Section 25. It shall be the duty of every person growing or dealing in nursery stock to notify the Director of Agriculture of his, their or its intention to ship any nursery stock from one point in this state to another or from any point without the state to a point within the state for sale or delivery or for planting or propagation. Such notice shall be made in writing and in duplicate and signed by the person giving the notice and shall show the name and address of both the consignor and consignee, and the name of the person or transportation company from whom the consignee is to receive such goods, and whether such nursery stock has been inspected and approved at the initial point of shipment within this state by a horticultural inspector. Said notice shall be mailed not later than the date of shipment and the duplicate thereof shall be mailed to the horticultural inspector stationed nearest to the point of consignment and all such shipments of nursery stock shall be plainly marked with the contents on the outside of the package.

Contents of notice.

Time of mailing notice.

Shipments plainly marked.

Amendments.

SEC. 8. That section 26, chapter 166, Laws of 1915 (section 2864, Remington's Revised Statutes; section 2732, Pierce's Code), be amended to read as follows:

Inspection of incoming shipments.

Section 26. In event of the shipment into this state from any point without this state of any nursery stock by a person, firm or corporation not licensed to do business in this state as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same in-

spected by a horticultural inspector in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state.

SEC. 9. That section 27, chapter 166, Laws of 1915, as amended by section 9, chapter 141, Laws of 1921 and section 13, chapter 311, Laws of 1927 (section 2865, Remington's Revised Statutes; section 2733, Pierce's Code), be amended to read as follows: Amendments.

Section 27. Upon the arrival at its point of destination of any nursery stock shipped into this state from another state or country or shipped from one point within this state to another, it shall be the duty of the person hauling or trucking, freight agent, express agent or the agent of the persons or transportation company having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state showing that the same was inspected and approved at the initial point of shipment within this state, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery, except that cut flowers, potted plants and greenhouse products which show a general inspection shall be exempt. Said notification may be by telephone or telegraph, or by written notice delivered personally to said inspector or to some person of suitable age and discretion at his residence or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector: Carrier shall notify inspector.

Provided, however, That such agent shall not be required to hold such shipment more than forty-eight Unless certificated.

How notice may be given.

Delivery without inspection unlawful.

Time limit.

(48) hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event such shipment shall be held for such period beyond said forty-eight (48) hours as is ordinarily required for the delivery of mail to the address of said inspector: *And provided further*, That no inspection at the point of delivery shall be necessary if the shipment is accompanied by a certificate of a horticultural inspector of this state showing inspection and approval at the initial point of shipment within this state as aforesaid and upon the delivery of such shipment to the consignee, the agent or person making the delivery shall deliver such certificate of inspection to the consignee and retain the duplicate to show his authority for making delivery without inspection. Any nurseryman or dealer in nursery stock within this state may demand the services of an inspector at his place of business or point of shipment during the shipping season by paying such fees as agreed upon by the Director of Agriculture.

Proviso.

Fruit and vegetable shipments entering state.

Duty to notify inspector.

Contents of notice.

Receipt for delivery.

Upon the arrival at its point of destination of any shipment of fruit or vegetables shipped into this state from another state or country, it shall be the duty of the freight agent, express agent or agent or persons or transportation company having such shipment in charge for delivery, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the names of the consignor and consignee, and upon the delivery of such shipment to the consignee or his order, the agent or person making such delivery shall demand and receive from the person to whom such shipment is delivered a receipt therefor showing the name and address of the consignee or his order and the place to which said shipment is to be removed, and shall thereupon mail said receipt to the horticultural inspector stationed nearest to the point where said shipment is received.

SEC. 10. That section 13, chapter 141, Laws of 1921, as amended by section 8, chapter 37, Laws of 1923, section 1, chapter 67, Laws of Extraordinary Session, 1925, and section 5, chapter 27, Laws of 1931 (section 2872, Remington's Revised Statutes, section 2737a, Pierce's Code), be amended to read as follows:

Section 13. The Director of Agriculture, Assistant Director, and inspector-at-large are authorized and empowered to appoint horticultural inspectors upon application of a financially interested party for certificate inspection service or other inspection on certain specified fruits, vegetables, nursery stock or other horticultural products, and such horticultural inspectors are authorized and empowered, to inspect, or inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruit, vegetables, nursery stock or other horticultural products specified in the application and the cars in which they are loaded. Such inspection and investigation to be made under such rules and regulations as the Director of Agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the Director as will, as near as may be, cover the cost for the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expenses of the horticultural inspection. Such inspectors-at-large shall be bonded in the sum of three thousand dollars (\$3,000) each running to the State of Washington with a surety approved by the Director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspector-at-large shall render on or before the tenth day of each month a detailed account to the Director of Agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-at-large shall ren-

Amendments.

Appointment of inspectors authorized.

Duties of inspectors.

Director to make rules and fix fees.

Collection of fees.

Expenditures.

Bond required.

Report monthly to director.

Report yearly to county commissioners.

Return of surplus contributions.

Contributions by districts.

Failure to pay cause of action.

Prosecutor to sue.

Certificate *prima facie* evidence.

Amendments.

Marking cull potatoes.

der a complete account of the past year's business to the Board of County Commissioners of each county in which such inspection has been made or certificates have been issued in their district, and should there be in excess of the amounts set forth in the following schedule remaining on hand in any horticultural inspection district after all expenses of such inspection or certificate of inspection service have been met, to date, in that district, such amount shall be returned to the contributors to the fund in proportion to the amount of payment made into the fund by each contributor: Districts 1, 2, 3, 6 and 7, each, five thousand dollars (\$5,000); Districts 8, 10 and 11, each, six thousand five hundred dollars (\$6,500), and Districts 4, 5 and 9, each, ten thousand dollars (\$10,000). In case the applicant for such inspection or certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the Prosecuting Attorney of the county in which the inspection was made to bring action for debt in the name of the inspector-at-large in charge of the inspection on his request. Such certificate so issued shall be received in all the courts of the State of Washington as *prima facie* evidence of the truth of the statement therein contained.

SEC. 11. That section 3, chapter 189, Laws of 1941 (section 2867c, Remington's Revised Statutes, Supp.), be amended to read as follows:

Section 3. It shall be unlawful for any person, firm, association or corporation to offer for sale or have in possession for sale any potatoes not coming within the grades of U. S. No. 2 or better, unless clearly marked with the word "CULL" in large letters not less than two (2) inches in height on the container, or if sold in bulk, by a sign denoting that the potatoes are culls, the letters on such sign to be not less than two (2) inches in height and the sign to be visible to the trade at all times.

SEC. 12. That section 28 of chapter 166, Laws of 1915 (section 2866, Remington's Revised Statutes; section 2734, Pierce's Code), be repealed. Repeals.

Passed the House February 23, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 151.

[H. B. 189.]

LICENSING OF MOTOR VEHICLE OPERATORS.

AN ACT relating to motor vehicles, the regulation and licensing of operators thereof, and amending section 57, chapter 188, Laws of 1937 (section 6312-57, Remington's Revised Statutes, section 2696-689, Pierce's Code).

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

SECTION 1. That section 57, chapter 188, Laws of 1937 (section 6312-57, Remington's Revised Statutes, section 2696-689, Pierce's Code) be amended to read as follows: Amendments.

Section 57. Vehicle operator's license examination shall be conducted in the manner prescribed by the Director of Licenses upon the following matters: Director to prescribe examination.

1. A physical examination which shall consist of: Physical examination.

(a) Physical infirmities which would impair the ability of the applicant to operate a motor vehicle;

(b) General vision.—This examination shall be conducted with the use of the Snellan Vision Chart or other vision determining device of the same standard. Such test shall be conducted with the naked eye, each separately and with both eyes. In the event that vision is deficient and does not meet the requirements of this chapter but vision has been corrected with the use of glasses, similar examination

for vision shall be made with glasses and the result thereof noted. All such vision tests shall be made with not less than thirty (30) foot-candle illumination;

(c) Color blindness;

(d) Hearing;

Mental
examination.

2. A written mental examination which shall consist of brief written answers to twenty-five (25) questions eliciting information touching the applicant's knowledge of the motor vehicle laws of this state. Such questions shall be one of several varied lists and shall be selected at random. Proficiency of eighty per cent (80%) correct answers to such questions shall be required to qualify for vehicle operator's license under this subsection.

Demonstration
of
operation.

3. An actual vehicle operation demonstration.— Such examination shall be conducted by officers of the Washington State Patrol unless in any instance another agent is designated by the Director of Licenses. If the Director of Licenses is satisfied from the results of such examination that the applicant has knowledge of the motor vehicle laws of this state and is capable of operating a motor vehicle with safety to persons and property and is otherwise entitled thereto, the Director of Licenses shall issue to such applicant a vehicle operator's license.

Passed the House February 25, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 152.

[H. B. 95.]

ACCOUNTINGS BY TRUSTEES.

AN ACT concerning inventories and intermediate and final accountings by trustees and to make uniform the law with reference thereto, and amending section 27 of chapter 229, Laws of 1941, (section 11548-27 Remington's Revised Statutes, Supplement).

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

SECTION 1. Section 27 of chapter 229, Laws of 1941 (section 11548-27 Remington's Revised Statutes, Supplement) is hereby amended to read as follows: . Amendment.

Section 27. This act shall apply only to testamentary trusts created by wills executed after June 11, 1941, and to non-testamentary trusts created after June 11, 1941. Date fixed.

Passed the House February 26, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 153.

[H. B. 102.]

MOTOR VEHICLES.

AN ACT relating to motor vehicles and amending section 1 of the Washington Highway License Act, chapter 188, Laws of 1937 (sec. 6312-1, Rem. Rev. Stat.).

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

Amendments. SECTION 1. That section 1, chapter 188, Laws of 1937 (sec. 6312-1, Rem. Rev. Stat.) be amended to read as follows:

Definitions. Section 1. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

"Authorized emergency vehicle." (a) "Authorized Emergency Vehicle." Any vehicle, as herein defined, of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, or any other vehicle authorized in writing by the state commission on equipment.

"Auto stage." (b) "Auto Stage." Any motor vehicle, as herein defined, 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 incorporated city or town or the corporate limits of any adjoining incorporated cities or towns.

"Axle." (c) "Axle." A 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.

(d) "Bicycle." Every vehicle, as herein defined, 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. "Bicycle."

(e) "Cancel." In all its forms shall mean the invalidation indefinitely and until successful application but shall be for a period of not less than one (1) year. "Cancel."

(f) "City Street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys. "City street."

(g) "Combination of Vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals. "Combination of vehicles."

(h) "Commercial Vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire. "Commercial vehicle."

(i) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway. "County road."

(j) "Farm Tractor." Every motor vehicle, as herein defined, designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. "Farm tractor."

(k) "For Hire Vehicle." Any motor vehicle, as herein defined, other than an auto stage, as herein defined, used for the transportation of persons for compensation. "For hire vehicle."

(l) "Legal Owner." A mortgagee or owner of the legal title to a vehicle. "Legal owner."

(m) "Local Authorities." 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. "Local authorities."

- "Metal tire." (n) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.
- "Motor truck." (o) "Motor Truck." Any motor vehicle as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals.
- "Motor vehicle." (p) "Motor Vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit.
- "Motoreyele." (q) "Motorcycle." Every motor vehicle, as herein defined, 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.
- "Non-resident." (r) "Non-resident." Any person whose residence is outside this state and who is temporarily sojourning within this state.
- "Operator." (s) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined.
- "Peace officer." (t) "Peace Officer." 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.
- "Person." (u) "Person." Every natural person, firm, co-partnership, corporation, association or organization.
- "Pneumatic tires." (v) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.
- "Primary state highway." (w) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment.
- "Public highway." (x) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to

public vehicular travel both inside and outside the limits of incorporated cities and towns.

(y) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad."

(z) "Registered Owner." A person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days. "Registered owner."

(aa) "Revoke." In all its forms shall mean the invalidation for a period of one calendar year and thereafter until reapplication. "Revoke."

(bb) "Road Tractor." Every motor vehicle, as herein defined, designed and used primarily as a road building vehicle in drawing road building machinery and devices. "Road tractor."

(cc) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel. "Roadway."

(dd) "School Bus." Any motor vehicle, as herein defined, 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. "School bus."

(ee) "Semi-Trailer." 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 "Semi-trailer."

upon and is carried by such motor vehicle or truck tractor.

"Solid tire." (ff) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

"Street car." (gg) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns.

"Suspend." (hh) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstatement.

"Traffic." (ii) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel.

"Trailer." (jj) "Trailer." Every vehicle, as herein defined without motive power designed for being drawn by or used in conjunction with a motor vehicle, as herein defined, constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle.

"Train." (kk) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

"Trolley vehicle." (ll) "Trolley Vehicle." A vehicle, as herein defined, 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.

"Truck tractor." (mm) "Truck Tractor." Any motor truck as herein defined, designed and used primarily for drawing a semi-trailer and not constructed to carry a load thereon other than a part of the weight of such semi-trailer and load so drawn.

"Used vehicle." (nn) "Used Vehicle." 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.

(oo) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person 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. "Vehicle."

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.

Passed the House March 8, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 154.

[H. B. 129.]

REPORTS ON ACCIDENTS INVOLVING VEHICLES.

AN ACT relating to vehicles and the operation thereof upon the public highways of the state, and amending section 135, chapter 189, Laws of 1937 (sec. 6360-135, Rem. Rev. Stat.).

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

SECTION 1. That section 135, chapter 189, Laws of 1937 (sec. 6360-135, Rem. Rev. Stat.) be amended to read as follows:

Section 135. The operator of any vehicle involved in an accident resulting in injury to or death Duty to report accidents.

of any person or total or claimed damage to either or both vehicles or property to an apparent extent of twenty-five dollars (\$25.00) or more, shall, within twenty-four hours after such accident, make a written report of such accident to the Chief of Police of the city or town if such accident occurred within an incorporated city or town or the County Sheriff or State Patrol if such accident occurred outside incorporated cities and towns, such report to be in duplicate and the original immediately forwarded by the authority receiving such report to the Chief of the Washington State Patrol at Olympia, Washington. The Chief of the Washington State Patrol may require any operator of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in his opinion and may likewise require witnesses of any such accident to render reports. For this purpose, the Chief of the Washington State Patrol shall prepare and, upon request, supply to any police department, Coroner, Sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the Chief of the Washington State Patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, and the amounts of property damage claimed. Every required accident report shall be made on a form prescribed by the Chief of the Washington State Patrol and each authority charged with the duty of receiving such reports shall provide suffi-

May require supplemental reports.

Contents of report form.

cient report forms in compliance with the form devised.

Passed the House February 19, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 155.

[H. B. 144.]

HIGHWAYS.

AN ACT authorizing the Director of Highways to cooperate with the Public Roads Administration of the United States in the construction and maintenance of flight strips and of certain classes of highways in order to facilitate the war effort; ratifying the acts of the Director of Highways in connection with such cooperation already extended; and declaring an emergency.

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

SECTION 1. That in order to facilitate the war effort, the Director of Highways, upon request of the Commissioner of Public Roads of the United States, is hereby authorized to cooperate with the Public Roads Administration in the making of surveys, plans, specifications and estimates for, and in the construction and maintenance of, flight strips and of roads and bridges necessary to provide access to military and naval reservations, to defense industries and defense industry sites, and to sources of raw material, and for replacing existing highways and highway connections shut off from the general public use for military and naval reservations and defense industry sites, and, notwithstanding any other provision of law, may enter into contracts in any manner approved by the Commissioner of Public Roads for the construction of any such flight strips or roads, or may perform such construction and maintenance work by force account, whether

Cooperation in war effort.

Surveys and plans.

Flight strips and necessary roads.

May contract or construct.

Federal or
part federal
funds.

such construction and maintenance work is paid for in whole by Federal funds or in part by Federal funds and in part by funds provided by the state or any of its subdivisions.

Any funds appropriated and allocated to carry out the provisions of the Federal Aid Road Act and the State Act assenting thereto may be used to carry out the provisions of this act.

Director
may acquire
land.

SEC. 2. That for the purpose of carrying out the provisions of this act the Director of Highways is hereby authorized and empowered to acquire land or any interest in land, real estate, premises or other property by purchase, gift or condemnation, in the manner now provided for acquiring land, real estate, or other property for highway purposes.

Prior acts
validated.

SEC. 3. That all the acts of the Department of Highways done and performed in connection with any contract in cooperation with the Public Roads Administration of the United States in the construction and maintenance of flight strips and access roads are hereby ratified and approved.

Effective
immediately.

SEC. 4. That this act is necessary to facilitate the war effort 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 and remain in effect during the continuance of the emergency declared by the President May 27, 1941, and for a period of six (6) months thereafter.

Termination.

Passed the House February 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 156.

[H. B. 169.]

PRIVILEGE TAX.

AN Act relating to revenue and taxation; declaring certain acts to be unlawful and prescribing the penalty therefor, amending sections 4, 5, 6, 11, 16, 17, 19, 31, 32, 35, 37, 82, 210 and 211 of chapter 180, Laws of 1935, as amended by chapter 178, Laws of 1941, chapter 76, Laws of 1941 and chapter 225, Laws of 1939 (sections 8370-4, 8370-5, 8370-6, 8370-11, 8370-16, 8370-17, 8370-19, 8370-31, 8370-32, 8370-35, 8370-82 and 8370-210, Remington's Revised Statutes), and declaring that this act shall take effect May 1, 1943.

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

SECTION 1. Section 4, chapter 180, Laws of 1935, as amended by section 1, chapter 178, Laws of 1941 (section 8370-4, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 4. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging in business activities. Such tax shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be, as follows:

Business tax.

Measured by gross business.

Persons included.

(a) Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products extracted for sale or commercial use, multiplied by the rate of one-quarter of one per cent;

Extractors.

Rate.

The measure of the tax is the value of the products so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Upon every person engaging within this state in business as a manufacturer; as to such per-

Manufacturer.

sons the amount of the tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-quarter of one per cent;

Rate.

The measure of the tax is the value of the products so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

Retail merchant.

(c) Upon every person engaging within this state in the business of making sales at retail; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of one-quarter of one per cent;

Rate.

Wholesale grain.

(d) Upon every person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax herein imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one per cent;

Rate.

Wholesalers.

(e) Upon every person except persons taxable under subsection (d) above engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-quarter of one per cent;

Rate.

Printing.

(f) 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; as to such persons, the amount of tax on such business shall be equal to the gross in-

Road building.

come of the business multiplied by the rate of one-quarter of one per cent; Rate.

(g) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in subsections (a), (b), (c), (d), (e) and (f) above; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one-half of one per cent. This subsection includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such businesses passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale" as defined herein. Others.
Rate.

SEC. 2. Section 5, chapter 180, Laws of 1935, as amended by section 2, chapter 178, Laws of 1941 (section 8370-5, Remington's Revised Statutes), be and the same hereby is amended to read as follows: Amendments.

Section 5. For the purposes of this title, unless otherwise required by the context: Definitions.

(a) The term "tax year" or "taxable year" shall mean either the calendar year, or the taxpayer's fiscal year when permission is obtained from the Tax Commission to use a fiscal year in lieu of the calendar year; "Tax year."

(b) The word "person" or word "company," herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, co-operative, fraternal, non-profit or otherwise and the United States or any instrumentality thereof: *Provided*, A valid tax may be levied upon "Person" or "company."

Definitions. or collected therefrom under the provisions of this act;

"Sale."

(c) The word "sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under subsection (d) of this section. It includes conditional sale contracts, leases with option to purchase, and any other contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It shall also be construed to include the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not;

"Sale at retail."

(d) The term "sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated or imprinted) other than a sale to one who purchases for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The said term also means every sale of tangible personal property to persons engaged in any business which is taxable under section 4 (f) (2) and section 4 (g) hereof.

The term "sale at retail" or "retail sale" shall be construed to include the sale of or charge made for tangible personal property consumed and for labor and services rendered in respect to the following: (1) the installing, repairing, cleaning, altering, imprinting or improving of tangible per-

sonal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the Tax Commission may prescribe.

Definitions.

The said term shall not include the sale of or charge made for labor and services rendered in respect to the mere cleaning, fumigating, razing or moving of existing buildings or structures, or the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey or other substances obtained from animals, birds or insects.

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property and any sale of or charge made for labor and services rendered in respect to real or personal property, which is not a sale at retail;

"Sale at wholesale."

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and for services rendered

"Gross proceeds of sale."

Definitions.

without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

"Gross income of business."

(g) The term "gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses;

"Value proceeding or accruing."

(h) The term "value proceeding or accruing" means the consideration, whether money, credits, rights or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The Tax Commission may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due;

"Extractor."

(i) The word "extractor" means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel,

clay, mineral or other natural resource product, or fells, cuts or takes timber or other natural products, or takes, cultivates, or raises fish, shell fish, or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others;

Definitions.

(j) The word "manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use from his own materials or ingredients any articles, substances or commodities. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the Tax Commission shall prescribe equitable rules for determining tax liability;

"Manufacturer."

(k) The term "to manufacture" embraces all activities of a commercial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful article of tangible personal property or substance of trade or commerce is produced and shall include the production or fabrication of special made or custom made articles;

"To manufacture."

(1) The term "commercial use" means the following uses of products by the extractor or manufacturer thereof:

"Commercial use."

(1) Manufacturing of articles, substances or commodities from extracted products;

(2) Leasing or renting of extracted or manufactured products;

(3) Consigning, shipping or transferring extracted or manufactured products to another either without consideration or in the performance of contracts;

(4) Any other use of products extracted or manufactured on a commercial scale under such rules

- Definitions. and regulations as the Tax Commission shall prescribe;
- "Business." (m) The word "business" includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly;
- "Engaging in business." (n) The term "engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business;
- "Cash discount." (o) The term "cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date;
- "Tuition fee." (p) The term "tuition fee" shall be construed to include library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution: *Provided*, That the term "educational institution," as used herein, shall be construed to mean only those institutions created or generally accredited as such by the state and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, other trade schools or similar institutions;
- "Successor." (q) The word "successor" means any person who shall, through direct or mesne conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stock of goods, wares, merchandise or fixtures or any in-

terest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor;

Definitions.

(r) The word "consumer" means the following:

"Consumer."

(1) Any person who purchases, acquires, owns, holds or uses any article of tangible personal property other than for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in the business of rendering professional or personal services to persons (as distinguished from services rendered to property of persons) and who are taxable under section 4 (g) hereof;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, in respect however, only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted or otherwise altered by a person engaged in business, excluding only the United States of America, the State of Washington and its political subdivisions in

Definitions. respect to labor and services rendered to their real property which is used or held for public road purposes;

"Within this state." (s) The term "in this state" or "within this state" as used herein includes all federal areas lying within the exterior boundaries of the State of Washington.

Amendments. SEC. 3. Section 6, chapter 180, Laws of 1935, as amended by section 3, chapter 178, Laws of 1941 (section 8370-6, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Persons taxable. Section 6. Every person engaging in activities which are within the purview of the provisions of two or more of paragraphs (a), (b), (c), (d), (e), (f) and (g) of section 4, shall be taxable under each paragraph applicable to the activities engaged in:

Exemptions. *Provided, however,* That persons taxable under paragraphs (a) or (b) of said section shall not be taxable under paragraphs (c) or (e) of said section with respect to making sales at retail or wholesale of products extracted or manufactured within this state by such persons.

Amendments. SEC. 4. Section 11, chapter 180, Laws of 1935, as amended by section 6, chapter 178, Laws of 1941 (section 8370-11, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 11. The provisions of this title shall not apply to:

Limits of business. (a) Any person engaging in any business activity whose value of products, gross proceeds of sales or gross income of the business is less than six hundred (\$600.00) dollars, for a bi-monthly period:

Proviso. *Provided, however,* That where one person engages in more than one business activity and the combined measures of tax applicable to such businesses equal or exceed six hundred (\$600.00) dollars, no exemption or deduction from the amount

of tax is allowed by this provision: *Provided, further,* That any person claiming exemption under the provisions of this sub-section may be required to file returns as provided herein even though no tax may be due; Proviso.

(b) Any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of title V of this act;

(c) Any person in respect to insurance business upon which a tax based on gross premiums is paid to the State of Washington: *Provided, however,* That the provisions of this sub-section shall not exempt any person engaging in the business of representing any insurance company, whether as general or local agent or acting as broker for such companies: *And provided, further,* That the provisions of this sub-section shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor; Insurance business.
Proviso.

(d) Any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural product or crop, including the raising for sale of any animal, bird or insect, or the milk, eggs, wool, fur, meat, honey or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer or raiser thereof. This exemption shall not apply to any person selling such products at retail; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stock yard or a slaughter or packing house; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any busi- Wholesale agricultural products.
Exception.

ness activity with respect to which tax liability is imposed under the provisions of this title;

Athletic contests.

(e) Any person in respect to the business of conducting boxing contests and sparring and/or wrestling matches and exhibitions for the conduct of which a license must be secured from the State Athletic Commission;

Race meets.

(f) Any person in respect to the business of conducting race meets for the conduct of which a license must be secured from the Horse Racing Commission;

Employees.

(g) Any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor;

Fraternal societies.

(h) Fraternal benefit societies, as defined in Rem. Rev. Stat., section 7259, fraternal fire insurance associations, as described in subdivision third of Rem. Rev. Stat., section 7131, and beneficiary corporations or societies organized under and existing by virtue of Rem. Rev. Stat., sections 3872 to 3883, inclusive: *Providing*, That such corporations or societies provide in their by-laws for the payment of death benefits, as set forth in Rem. Rev. Stat., section 3879;

Public medical care.

(i) The gross income received by the United States or any instrumentality thereof, by the State of Washington or any municipal subdivision thereof or by any religious society, association or corporation, through the operation of any hospital, clinic, resort or other institution devoted exclusively to the care or healing of human beings: *Provided*, That no exemption is granted where the income therefrom inures to the benefit of any physician, surgeon, stockholder or individual by virtue of ownership or control of such hospital, clinic, resort or other institution;

Rentals on real estate.

(j) Amounts derived from the lease, rental or sale of real estate: *Provided, however*, That noth-

ing herein shall be construed to allow a deduction of amounts derived from engaging in any business wherein a mere license to use or enjoy real property is granted, or to allow a deduction of amounts received as commissions from the sale or rental of real estate;

(k) National banks, state banks, trust companies, mutual savings banks, building and loan and savings and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any other business taxable hereunder, even though such other business be conducted primarily for the purpose of liquidating the assets thereof;

Banks.

(l) Amounts derived by persons engaged in operating chick hatcheries from the production and sale of chicks and hatching eggs;

Chick hatcheries.

(m) Any person performing any activities with respect to which a tax is specifically imposed upon the gross operating income derived therefrom under the provisions of title XIII of this act.

Others.

SEC. 5. Section 16, chapter 180, Laws of 1935, as amended by section 2, chapter 76, Laws of 1941 (section 8370-16, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 16. From and after the first day of May, 1943, there is hereby levied and there shall be collected a tax on each retail sale in this state equal to three per cent of the selling price. The tax imposed under this title shall apply to the retail sale of intoxicating liquor by the Washington state liquor stores.

3% retail sales tax levied.

SEC. 6. Section 17, chapter 180, Laws of 1935, as amended by section 8, chapter 178, Laws of 1941 (section 8370-17, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 17. For the purposes of this title, unless otherwise required by the context:

Definitions.

"Selling price."

(a) The term "selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued and without any deduction on account of losses;

"Seller."

(b) The term "seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

"Buyer" and "consumer."

(c) The word "buyer" and the word "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, municipal corporation, quasi-municipal corporation, and also the State of Washington, its departments, institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof: *Provided*, A valid tax may be levied upon or collected therefrom under the provision of this title;

Others.

(d) The meaning attributed, in title II of this act, to the words and terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale sale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally in the provisions of this title.

Amendments.

SEC. 7. Section 19, chapter 180, Laws of 1935, as amended by section 9, chapter 225, Laws of 1939

(section 8370-19, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 19. The tax hereby levied shall not apply to the following sales: Sales not taxable.

(a) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under titles II, V or XIII of this act, or unless the article sold at a casual or isolated sale was purchased by the seller at a sale which was not taxable under this title;

(b) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under title V or title VI of this act, when the gross proceeds from such sales must be included in the measure of the tax imposed under said title V or title VI;

(c) The distribution and news stand sale of newspapers;

(d) Sales which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(e) Sales or [of] motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5, (section 8327-5 of Remington's Revised Statutes);

(f) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to a person for use in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act;

(g) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise.

SEC. 8. Section 31, chapter 180, Laws of 1935, as Amendments.

amended by section 6, chapter 76, Laws of 1941 (section 8370-31, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Excise tax
levied.

Section 31. From and after the first day of May, 1943, there is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state any article of tangible personal property purchased at retail or produced or manufactured for commercial use or acquired by gift. This tax will not apply with respect to the use of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property except as hereinafter provided, irrespective of whether the article or similar articles are manufactured within the State of Washington or are available for purchase within the State of Washington, and irrespective of any other condition. Such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three per cent.

Rate.

Amendments.

SEC. 9. Section 32, chapter 180, Laws of 1935, as amended by section 9(a), chapter 178, Laws of 1941 (section 8370-32, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Exemptions.

Section 32. The provisions of this title shall not apply:

Non-resi-
dents.

(a) In respect to the use of any article of tangible personal property brought into the State of Washington by a non-resident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a non-transitory business activity within the state; or in respect to the use of household goods, personal effects and private automobiles by a *bona fide* resident of this state, if such articles were acquired by such person in an-

other state while a *bona fide* resident thereof and primarily for use outside this state: *Provided*, Such use was actual and substantial and such articles were acquired at least three months prior to the time he became a resident of this state;

(b) In respect to the use of any article of tangible personal property purchased at retail or acquired by gift if the sale thereof to the user or to the donor has already been subjected to tax under title III of this act and such tax has been paid by the purchaser or donor; Tax paid only once.

(c) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under title V of this act; Otherwise taxable.

(d) In respect to the use of rolling stock or aircraft or floating equipment of a common carrier, the first use of which within the state is actual use in conducting interstate or foreign commerce; Interstate commerce.

(e) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the constitution of the state or under the constitution or laws of the United States; Tax-free items.

(f) In respect to the use of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5 (section 8370-5, Remington's Revised Statutes); Motor fuel.

(g) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by a person in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act; Whole utility properties.

(h) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity: *Provided*, Such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise. Farm auctions.

Nothing herein contained shall be construed to exempt from the tax imposed by this title, the use of any article of tangible personal property whether acquired through a casual sale or otherwise, except as is specifically provided in this section 32.

Amendments.

SEC. 10. Section 35, chapter 180, Laws of 1935, as amended by section 18, chapter 225, Laws of 1939 (section 8370-35, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Definitions.

Section 35. For the purposes of this title:

"Value of article used."

(a) The term "value of the article used" shall mean the consideration paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this title. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used and the cost of transportation by a common carrier. In case the article used is acquired by gift or is produced or manufactured by the person using the same or is sold under conditions wherein the purchase price, including the cost of transportation, does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the Tax Commission may prescribe;

"Use", etc.

(b) The terms "use," "used," "using" or "put to use" mean any act by which the taxpayer takes or assumes dominion or control over the article of tangible personal property after delivery thereof is completed within this state, and shall include installation, storage, withdrawal from storage or any other act preparatory to subsequent actual use or consumption within this state: *Provided*, That tax liability under this title shall arise only as to that use as defined hereunder which first occurs within this state

and no further tax shall be imposed under this title upon the same person with respect to any other subsequent use of the same article;

Definitions.

(c) The word "taxpayer" and the word "purchaser" as used in this title, shall include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in titles II and III of this act;

"Taxpayer" and "purchaser."

(d) The word "retailer," as used in this title, shall mean every person engaged in the business of selling tangible personal property at retail;

"Retailer."

(e) The meaning ascribed to words and phrases in titles I, II and III and all the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this title.

Others.

SEC. 10A. Section 37, chapter 180, Laws of 1935, as amended by section 12, chapter 178, Laws of 1941 (section 8370-37, Rem. Supp. 1941), be and the same hereby is amended to read as follows:

Amendments.

Section 37. For the purposes of this title, unless otherwise required by the context:

Definitions.

(a) The term "railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire: *Provided, however,* That it shall not include any business herein defined to be an urban transportation business;

"Railroad business."

(b) The term "express business" means the business of carrying freight, merchandise or property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

"Express business."

(c) The term "railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of

"Railroad car business."

- Definitions. 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 distribution business." (d) The term "water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;
- "Light and power business." (e) The term "light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;
- "Telephone business." (f) The term "telephone business" means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;
- "Telegraph business." (g) The term "telegraph business" means the business of affording telegraphic communication for hire;
- "Gas distributing business." (h) The term "gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;
- "Highway transportation business." (i) The term "highway transportation business" means the business of operating any motor propelled vehicle, as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined in chapter III, Laws of 1921, page 338, section 1, and chapter 184, Laws of 1935, page 884, section 2 and amendments thereto, except motor vehicles operating entirely within the corporate limits of any city or town, or contiguous cities or towns or within five miles of the limits of either thereof;
- "Urban transportation business." (j) The term "urban transportation business" means:
- (1) The business of operating any railroads, or

any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place primarily within any one city or town. The term shall also include any electric interurban railroad operated primarily for the purpose of transporting passengers: *Provided*, The distance between the terminals of such interurban railroad does not exceed fifty miles;

Definitions.

(2) The business of operating any vehicle for public use in the conveyance of persons or property for hire, in so far as operating entirely within the corporate limits of any city or town, or contiguous cities or towns 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, pick-up 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;

(k) The term "public service business" means any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared to be of a public service nature by the legislature of this state. It includes, among others, without limiting the scope hereof: airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

"Public service business."

(l) The term "gross operating revenue" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations inci-

"Gross operating revenue."

dental 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;

Others.

(m) The meaning attributed, in title II of this act, to the words or phrases: "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this title.

Amendments.

SEC. 11. Section 82, chapter 180, Laws of 1935, as amended by section 13, chapter 178, Laws of 1941 (section 8370-82, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Tax on
cigarettes.

Section 82. From and after the first day of May, 1935, there is hereby levied, and there shall be collected as hereinafter provided in this title, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to one-tenth of one cent for each cigarette, unless the intended retail selling price for each cigarette shall be more than one cent, in which event, the tax shall be twenty per cent of such intended retail selling price.

Tax stamps
for packages.

(a) In order to enforce collection of the tax hereby levied, the Tax Commission is authorized and required to design and have printed stamps of such size and denominations as may be determined by the Commission, said stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed or distributed, to permit the Commission to readily ascertain by inspection, whether or not such tax has been paid as provided in this title. Every person shall cause to be affixed on every package of cigarettes, as defined in this title, on which a tax is due, stamps of an amount equaling the tax due thereon before such person sells, offers

for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same;

(b) Every wholesaler in this state shall immediately, after receipt of any of the articles taxed herein cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: *Provided, however,* That any wholesaler engaged in interstate business, who shall furnish surety bond in a sum satisfactory to the Commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this title. Said interstate stock shall be kept separate and apart from stamped stock. Every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable articles, and shall retain the same subject to the use and inspection of the Tax Commission;

Wholesaler
to affix
stamps.

Proviso.

Interstate
stock to
be kept
separate.

(c) Every retailer shall, except as to those articles on which the tax has been paid by the proper affixing of stamps by a wholesaler, as herein provided, affix the stamps for the denomination and amount necessary to represent the tax on each individual package or container, the same to be done, in all cases, immediately upon receipt by the retailer of the unstamped articles: *Provided, however,* That any retailer engaged in interstate business, who shall furnish surety bond in a sum satisfactory to the Commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this title. Said interstate stock shall be kept separate and apart from stamped stock. Every retailer shall, at the time of shipping or delivering any of the articles taxed herein, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the

Retailer to
affix stamps.

Proviso.

Interstate
stock to
be kept
separate.

taxable articles, and shall retain the same subject to the use and inspection of the Tax Commission;

Manner of affixing stamps.

(d) Said stamps shall be affixed in such manner that they cannot be removed from the package or container without said stamp being mutilated or destroyed, which stamps so affixed shall be evidence of the tax imposed;

Individual packages.

(e) In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps shall be affixed securely on each individual package;

Compensation for affixing stamps.

(f) Wholesalers and retailers subject to the provisions of this title shall be allowed as compensation for their services in affixing the stamps herein required a sum equal to five (5) per cent of the face value of the stamps purchased by them;

Intent of act.

(g) It is the intent and purpose of this title to levy a tax on all of the articles taxed herein, sold, used, consumed, handled or distributed within this state and to collect the same from the person who first sells, uses, consumes, handles or distributes the same in the State of Washington. It is further the intent and purpose of this title that whenever any of the articles herein taxed are given away for advertising or any other purpose whatsoever, the same shall be taxed in the same manner as if they were sold, used, consumed, handled or distributed in this state;

First purchaser to pay.

Tax on advertising stocks.

(h) The Tax Commission shall have authority to authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this title, and if the same be authorized, shall provide reasonable rules and regulations with respect to the use thereof.

Meter stamp machines authorized.

Amendments.

SEC. 12. Section 210, chapter 180, Laws of 1935 (section 8370-210, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 210. Except as hereinafter provided it shall be unlawful for the Tax Commission or any member, deputy, clerk, agent, employee or representative thereof or any other person to make known or reveal any facts or information contained in any return filed by any taxpayer pursuant to the provisions of this act or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration of this act. The foregoing, however, shall not be construed to prohibit the Tax Commission or a member or employee thereof from: (a) giving such facts or information in evidence in any court action involving tax imposed under this act or involving a violation of the provisions of this act or involving another state department and the taxpayer; (b) giving such facts and information to the taxpayer or his duly authorized agent; (c) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (d) giving such facts or information, for official purposes only, to the Governor or Attorney General, or to any state department or any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (e) permitting its records to be audited and examined by the proper state officer, his agents and employees; (f) giving any such facts or information to the Commissioner of Internal Revenue of the United States or to the proper officer of the tax department of any state, for official purposes, but only if the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officers of this state; or (g) giving any such facts or information to the department of justice or the army or navy departments of the United States, or any authorized representative thereof, for official purposes. Any person acquiring knowledge of such facts or information in the course

Secrecy of
Information.

Exceptions

- of his employment with the Tax Commission and any person acquiring knowledge of such facts and information as provided under (d), (e), (f) and (g) above, who shall reveal or make known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand (\$1,000.00) dollars and, if the offender or person guilty of such violation be an officer or employee of the state, shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.
- Violation.**
- Penalty.**
- Amendments.** SEC. 12A. Section 211, chapter 180, Laws of 1935, as amended by section 19(a), chapter 178, Laws of 1941 (section 8370-211, Rem. Supp. 1941), is amended to read as follows:
- Duty of Treasurer.** Section 211. The State Treasurer, upon receipt of any payments of tax, penalty, interest or fees collected under the provisions of this act and of the several titles hereof except title XV, shall first deposit to the credit of the general fund the amount of any expenditures from said fund, not previously repaid, on account of refunds of taxes, interest and costs and shall deposit the balance thereof to the credit of the following funds:
- Allocation.**
- 38.25% thereof to the state current school fund;
 - 2.32% thereof to the University of Washington fund;
 - 1.34% thereof to the Washington State College fund;
 - .09% thereof to the Bellingham Normal School fund;
 - .13% thereof to the Cheney Normal School fund;
 - .20% thereof to the Ellensburg Normal School fund;
 - 57.67% thereof to the state general fund;
- Limitation.** *Provided*, That the allocations hereby made to each of the first six funds above enumerated shall never, during any biennium, in the aggregate, when added to resources or receipts derived from all other sources during such biennium, exceed the total requirements of each of said funds as measured by the biennial legislative appropriations payable there-

from and whenever such limit has been reached, any moneys which would otherwise be allocable to such funds shall be deposited to the credit of the state general fund.

SEC. 13. This act is necessary for the support of the state government and its existing institutions, and shall take effect on May 1, 1943. Effective date.

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 157.

[H. B. 194.]

PROBATE.

AN ACT relating to probate practice and procedure, and regulating the investment of funds in guardianship proceedings; amending section 213-1, chapter 156, Laws of 1917, as amended by section 3, chapter 206, Laws of 1941 (section 1583-1, Remington's Revised Statutes Supp.).

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

SECTION 1. Section 213-1, chapter 156, Laws of 1917, as amended by section 3, chapter 206, Laws of 1941 (section 1583-1, Remington's Revised Statutes Supp.), is amended to read as follows: Amendments.

Section 213-1. All moneys which may come into the possession of any guardian and which are a part of the guardianship estate which shall be properly available for investment may be, by any guardian, and without the permission of the court, invested in such bonds, securities, or other choses in action as are made by law, legal investments for trust funds by corporations doing a trust business, or mutual savings banks doing business under the laws of the State of Washington, or invested in the savings accounts of banks, trust companies, mutual savings banks, national banking associations, and savings Guardian may invest estate funds.

Legal investments.

and loan associations whose funds are insured by the United States of America or any of its agencies, to the extent that such funds are insured. Except as herein provided, no investment shall be made by any guardian except with the permission of the proper court first had and obtained. The investment of the guardianship funds in any manner, other than provided by law for the investment of trust funds by corporations doing a trust business, or mutual savings banks, shall not be authorized by any court except in instances where the court finds upon evidence taken, and makes specific written findings showing that substantial detriment or loss may result to the ward if such other investment be not made.

Exception.

Passed the House February 16, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 158.

[H. B. 232.]

DOMESTIC RELATIONS—FAMILY DESERTION.

AN ACT concerning domestic relations and to prevent and punish family desertion or non-support of wife or child or children and providing for punishment and concurrent jurisdiction of Superior and Justice Courts in certain cases, and amending section 1, chapter 28, Laws of 1913 (section 6908, Remington's Revised Statutes).

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

Amendments. SECTION 1. That section 1, chapter 28, Laws of 1913 (section 6908, Remington's Revised Statutes), is amended to read as follows:

Desertion. SECTION 1. Every person who, 1st: having any child under the age of sixteen (16) years dependent upon him or her for care, education or support, deserts such child in any manner whatever, with intent to abandon it;

2nd: Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or children or ward or wards; Neglect.

3rd: Having sufficient ability to provide for his wife's support, or who is able to earn the means for such wife's support, who wilfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter, or medical attendance, unless by her misconduct he is justified in abandoning her, shall be guilty of the crime of family desertion or non-support and shall be punished as follows: Abandonment.

A. When such act is committed and children are involved under the age of sixteen (16) years, such act shall be a felony and punished by imprisonment in the State Penitentiary for not more than twenty (20) years or by imprisonment in the county jail for not more than one (1) year or by fine of not more than one thousand dollars (\$1,000) or by both fine and imprisonment; Violation.

B. When such act is committed and there is no child under sixteen (16) years, said act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or by fine of not more than one thousand dollars (\$1,000) or by both fine and imprisonment. Felony when child under 16 involved.

SEC. 2. Every Justice of the Peace and Magistrate shall have concurrent jurisdiction with the Superior Court of the State of Washington of all gross misdemeanors under provisions of this act. Otherwise gross misdemeanor.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 18, 1943.

Concurrent jurisdiction.

CHAPTER 159.

[S. B. 108.]

SENIOR CITIZEN GRANTS.

AN ACT relating to eligibility for, and the payment of, senior citizen grants and amending sections 4 and 5, chapter 1, Laws of 1941.

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

Amendments. SECTION 1. That section 4, chapter 1, Laws of 1941 be amended to read as follows:

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

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

Income. (b) Has a yearly income which is less than \$430 and a monthly income which is less than \$40 or has income insufficient to meet his or her needs.

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

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

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

SEC. 2. That section 5, chapter 1, Laws of 1941, be amended to read as follows:

Manner of payment. Section 5. *How and when grants shall be paid.* Senior Citizen Grants shall be awarded:

Minimum uniform payments. (a) To each eligible applicant sixty-five years of age or over in the sum of not less than \$40 per month on a uniform state-wide basis, minus the income and resources of applicant from other sources: *Provided,* That in the event an applicant's needs are in excess of \$40 per month, in determining the amount of his or her grant, any income or resource which applicant may have shall be utilized as a credit

against his or her total monthly need; but no grant as so computed shall exceed such sum of \$40 per month: *Provided further*, That in the event Federal matching funds shall be available in excess of \$20 per month per person, the grants shall be increased to not less than twice that amount, minus the income of applicant from other sources.

Maximum grant.

Federal matching funds.

(b) If the Federal government lowers the age limit at which matching funds will be granted for old age grants, then and in that event the state shall award Senior Citizen Grants of at least twice the maximum Federal funds available per person per month to all eligible above the age as established by the Federal government, such grants to be awarded on the terms and conditions as provided for in section 5, subsection (a).

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

Grants paid immediately.

Passed the Senate February 18, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 160.

[S. B. 207.]

CENTRAL STORES REVOLVING FUND.

AN ACT relating to state government and to promote efficiency and economy of administration thereof; providing for centralized procurement and warehousing of supplies and equipment; providing for a centralized salvage, maintenance and repair service; providing for a perpetually maintained inventory of state owned equipment; providing further for centralized procurement of property leases, insurance requirements and fidelity bonds; prescribing the duties of the Director of Finance, Budget and Business and the Supervisor of Purchasing; creating the Central Stores Revolving Fund, making an appropriation, and declaring an emergency.

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

Central
stores
authorized.

SECTION 1. The Director of Finance, Budget and Business, through and by means of the Division of Purchasing, shall have the power and it shall be his duty, in order to effect economies in the purchase of supplies and equipment for State agencies, to establish and maintain warehouses hereinafter referred to as "Central Stores," for the centralized procurement, storage and distribution of such supplies, equipment and other items of common use. To provide central stores warehouse facilities the Division of Purchasing may, by arrangement with the State agencies, utilize any surplus available State owned warehouse space, and/or may acquire other needed warehouse facilities by lease or purchase of the necessary premises.

Provide
equipment
pool.

SEC. 2. The Director of Finance, Budget and Business, through and by means of the Division of Purchasing, is hereby authorized to 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 to provide an equipment pool for effecting sales and ex-

changes of surplus and unused property by and between State agencies.

SEC. 3. "State Agencies," within the meaning of this act, shall mean and include the state institutions under the jurisdiction and control of the Department of Finance, Budget and Business, the state educational institutions, the offices of the elective State officers, the Supreme Court, the administrative and other departments, boards and commissions of the State government, and the offices of all appointive officers of the State.

"State agencies" defined.

SEC. 4. For the purpose of carrying out the provisions of the foregoing sections of this act, there is hereby created within the Division of Purchasing of the Department of Finance, Budget and Business a revolving fund to be known as the "Central Stores Revolving Fund." This fund shall be used for the purchase of supplies and equipment handled through central stores, together with the payment of salaries, wages and other costs incidental to the acquisition, operation and maintenance of said central stores, and other activities connected therewith. Said Central Stores Revolving Fund shall be credited with all receipts from the sale and distribution of supplies, equipment and services rendered to the various State agencies.

Revolving fund created.

Purpose of fund.

In order that said fund may be made immediately available for the establishment and maintenance of central stores, there is hereby appropriated to the central stores revolving fund from the general fund for the fiscal biennium ending March 31, 1945, the sum of \$30,000.00, or so much thereof as shall be found necessary: *Provided*, That to supply such additional funds as may be necessary for making combined purchases of items of common use into central stores, State agencies may, from time to time, make advance payments into the Central Stores Revolving Fund from funds regularly appropriated

Appropriation.

Provision for added funds.

to such State agencies for the procurement of supplies and equipment: *Provided further*, That the funds so advanced to central stores shall be used only for the combined procurement, storage and delivery of such stocks of supplies and equipment, and *Provided further*, That the funds so advanced 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 to such State agency.

Limitation.

Proviso.

Depositories. The Central Stores Revolving Fund shall be deposited in such banks and financial institutions as may be selected by the Director of Finance, Budget and Business, which depositories shall furnish to him surety company 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.

Transfer of surplus stocks.

SEC. 5. For the purpose of further providing for carrying out the provisions of the foregoing sections of this act, the Director of Finance, Budget and Business may, at his option, transfer to the ownership of Central Stores all or any portion of surplus stocks on hand at the several institutions under the immediate supervision of the Department of Finance, Budget and Business as of March 31, 1943, such transfer of ownership to be made without exchange of funds.

Record of ownership to be maintained.

SEC. 6. As a means of providing for proper accountability for State property, the Director of Finance, Budget and Business, through and by means of the Division of Purchasing, shall maintain a perpetual record of ownership of State owned equipment, which record 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 agency or agencies owning said equip-

ment, and/or to such other special investigators and others as the Governor may direct. To effectuate the purpose of this section of this act, all State agencies are required to make accounting to the Division of Purchasing at any and all times for State equipment owned by, assigned to or otherwise possessed by said State agency, and to maintain such records as said Division of Purchasing deems necessary to proper accountability for said equipment. The term "State equipment" as used in this act shall be understood to include all items of machines, tools, furniture or furnishings other than expendable supplies and materials as defined by the Division of Purchasing.

Accounting.

"State equipment" defined.

SEC. 7. As a means of providing for centralized procurement of certain property leases, the Supervisor of the Division of Purchasing shall have the power and it shall be his duty to enter into rental contracts or leases for all space needed for branch offices, warehouses, and other premises as may be required by the various State agencies.

Leases of space.

SEC. 8. Insofar as it shall be practicable, branch office and warehouse space shall be consolidated in the interest of economy and for the convenience of the public having business with the using agency maintaining such branch offices and warehouses.

Consolidation of space.

SEC. 9. All rental contracts or leases shall be prepared in triplicate, shall be executed by the Supervisor of Purchasing in behalf of the using agency, and shall be subject to approval as to form by the Attorney General, which approval shall appear in writing on the original copy of such rental contract or lease.

Execution of leases.

Approval.

SEC. 10. Copies of rental contracts and leases shall be distributed as follows: (a) Original shall be retained on file in the Division of Purchasing, (b) First duplicate copy shall be supplied to the lessor, (c) Second duplicate copy shall be filed with the

Distribution of leases.

using agency for whom the rental contract or lease is consummated.

Central purchases of bonds and insurance.

SEC. 11. As a means of providing for procurement of combined requirements for insurance and public official bonds on a volume rate basis, the Director of Finance, Budget and Business, through and by means of the Division of Purchasing, shall have the power and it shall be his duty to purchase and/or contract for the needs of the State using agencies in relation to the aforementioned insurance and public official bonds. The sole exception to the requirements of this section shall be that the individual public official bonds of elected State officials may be procured directly and independently by such elected State officials.

Exception.

The amounts of insurance coverage and/or the amounts of surety bond coverage shall be fixed by law, or in the absence of such limitations by law, then such amounts shall be as fixed by the State administrative board.

Premiums payable by agency.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the State agency or agencies for whom 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.

Effective April 1, 1943.

SEC. 12. This act is necessary for the support of the state government and its existing public institutions, and shall take effect April 1, 1943.

Passed the Senate February 20, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 161.

[S. B. 223.]

PROHIBITING SALE OF FIREWORKS.

AN ACT relating to fireworks; defining the term "fireworks"; prohibiting the sale, offering or exposing for sale thereof; regulating the manner of using fireworks; providing for licensing, bonding, and defining offenses and prescribing penalties.

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

SECTION 1. For the purposes of this act the term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or articles prepared, designed or intended for the purpose of entertainment, amusement or pyrotechnic display which is manufactured to produce a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, Daygo bombs, toy canes, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance: *Provided, however,* This shall not include toy pistols where the caps used therein do not contain more than .35 grains of explosive mixture in each cap, sparklers of water proof soda straw type and sparklers made by dipping wire into wet sparkler composition, punk sticks of straws with saltpeter punk composition, Silver Falls paper from Silver sparkler composition between two flat pieces of thin paper, and Flashlight firecrackers with open ended tubes, not exceeding 2 inches in length and 7/8 inch outside diameter containing a paper bag with

"Fireworks" defined.

Exceptions.

not more than 8 grains of flash composition and containing no chlorate of potash.

Sale
unlawful.

SEC. 2. It shall be unlawful for any person, firm, co-partnership or corporation or municipality to offer for sale, expose for sale, sell at retail, or use or explode any fireworks except as hereinafter provided.

Permits for
supervised
displays.

SEC. 3. The Chiefs of Police of incorporated cities and towns, and the Sheriff of the county in areas lying outside of incorporated cities and towns, are hereby authorized to issue permits for supervised display of fireworks by any person, firm, co-partnership, corporation or municipality in accordance with the provisions of this act. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of display. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Every such display shall be handled by a competent operator to be approved by the Chief of Police or Sheriff of the city or of the county in which the display is to be held, and shall be of such a character and so located, discharged and fired as in the opinion of the Chief of Police or Sheriff, after proper inspection, shall not be hazardous to property or endanger any person or persons.

Time of
application.

Purpose
limited.

Permit not
transferable.

Approval
required.

Surety bond
required.

SEC. 4. The Chief of Police or Sheriff, as the case may be, before issuing any license, shall require a surety bond deemed adequate and subject to the approval of the officer issuing the permit from the licensee conditioned for the payment of all damages which may be caused either to person or persons or to property by reason of the licensed display and arising from any acts of the licensee, his agents, employees or subcontractors. Said bond shall run to the city, town or county in which said license is issued for the use and benefit of any person, firm,

co-partnership, corporation or municipality having a cause of action against the obligor of said bond under the provisions of this act.

SEC. 5. Nothing in this act shall be construed to prohibit any resident, wholesaler, dealer or jobber to sell at wholesale or retail such fireworks as are not herein expressly prohibited; or sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads, other transportation agencies or other utilities for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater; or for signal or ceremonial purposes in athletics or sports; or for use by military organizations or police agencies. Exceptions.

SEC. 6. The Chief of Police or Sheriff, as the case may be, shall seize, take, remove or cause to be removed, at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this act. Seizure authorized.

SEC. 7. Any person, firm, co-partnership, corporation, association or group of individuals violating the provisions of this act shall be guilty of a misdemeanor. Penalty section.

SEC. 8. If any section, clause or sentence of this act shall be held unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this act. Saving clause.

Passed the Senate February 22, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 162.

[S. B. 247.]

TUBERCULOSIS HOSPITALIZATION.

AN ACT relating to tuberculosis hospitalization by counties, defining the powers and duties of certain county officers and the State Department of Health in relation thereto, requiring a separate county tax levy for such purposes and prescribing how the same shall be managed and disbursed, setting up a tuberculosis account in the County Current Expense Fund, creating a State Tuberculosis Equalization Fund for state aid to counties with a large incidence of tuberculosis, appropriating funds for such purpose and providing that the act shall take effect July 1, 1943.

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

County
levy for
tuberculosis
hospitaliza-
tion.

SECTION 1. Tuberculosis is a communicable disease and hospitalization and segregation of active cases of tuberculosis represents the basic step in the control of this disease and the conquest of a major health problem. In order effectively to carry on such work, the Board of County Commissioners of each county in the state shall annually budget and levy a tax in a sum equal to six-tenths (.6) of a mill on the assessed valuation of the taxable property in the county, the proceeds of which shall be used for hospitalization of tuberculosis patients:

.6 of a mill.

Disposition of
unexpended
balances.

Provided, That if any county has an unexpended balance from such levy, over and above the amount required for adequate hospitalization of all tuberculosis cases within the county, the Board of County Commissioners may budget and reappropriate the same for tuberculosis hospitalization for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the County Health Department for use in furtherance of tuberculosis case-finding, or any other public health endeavor. Proceeds of the levy herein provided for, and any income that may accrue from miscellaneous receipts in connection with tuberculosis hospitaliza-

tion, shall be placed in the County Current Expense Fund in a special tuberculosis account and obligations incurred for tuberculosis hospitalization shall be payable in the same manner as general county obligations are paid out of the current expense fund. The County Auditor shall furnish to the Board of County Commissioners and the State Department of Health a monthly report of receipts and disbursements in the tuberculosis account which report shall also show balances of cash on hand.

Auditor
to report.

SEC. 2. In order to provide necessary funds for adequate care of tuberculosis patients in counties having a large incidence of tuberculosis, there is hereby created a State Tuberculosis Equalization Fund which shall be apportioned and expended under the direction of the State Director of Health to provide state aid to counties in which the proceeds of the tax levy of six-tenths (.6) mill are not sufficient to provide adequate tuberculosis hospitalization. There is hereby appropriated from the General Fund to the State Tuberculosis Equalization Fund for the fiscal biennium ending March 31, 1945, the sum of three hundred thousand dollars (\$300,000) and there is further appropriated from the State Tuberculosis Equalization Fund to the State Department of Health for such biennium the aforesaid sum of three hundred thousand dollars (\$300,000), or as much thereof as may be necessary, to be used for tuberculosis hospitalization. Payments from the equalization fund shall be authorized only after county funds in the tuberculosis account have been exhausted, and shall be made by warrant of the State Auditor to individual counties upon vouchers of the State Department of Health. Upon receipt of such warrant the amount thereof shall be covered into the tuberculosis account and disbursed in the same manner as county funds are disbursed therefrom.

State
equalization
fund.

Appropriation.

Limitation
of use.

Director of health to approve budgets.

SEC. 3. Prior to the time county budgets are finally approved and adopted by the Board of County Commissioners, each county in the state shall be required to submit its proposed tuberculosis hospitalization budget to the State Department of Health for the approval thereof by the Director.

Sanatorium administrator.

SEC. 4. There shall be in all counties maintaining, either singly or jointly, tuberculosis sanatoria a sanatorium administrator, to be appointed by the Board of County Commissioners and, in the case of joint county sanatoria, by the joint sanatorium committee. Such administrator shall be either the sanatorium medical director or the jurisdictional health officer.

Responsibility of health officer.

SEC. 5. All arrangements for hospital care, tuberculosis case-finding and post sanatorium public health follow-up of known cases of tuberculosis shall be the responsibility of the jurisdictional health officer. Such officer shall also have the responsibility of determining the financial eligibility of patients admitted to tuberculosis hospitals and in so doing shall be entitled to the assistance of the medical director and also of the County Welfare Department.

Admission of patients.

SEC. 6. The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to county or joint-county or private sanatoria, hospitals or nursing homes shall be upon application to and certification by the County Health Officer. Medical reports on the condition of such patients shall be submitted to the health department of the county maintaining the patient's support by the sanatorium medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the State Director of Health.

Other acts not repealed.

SEC. 7. Except as otherwise herein provided this act shall not be construed to amend, repeal, or in any wise modify the provisions of chapter 172, Laws

of 1913, as amended by chapter 80, Laws of 1915 and chapter 35, Laws of 1919 (secs. 6114 to 6128, incl., Rem. Rev. Stat., secs. 5379 to 5394, incl., Pierce's Code) or of chapter 86, Laws of 1935 (secs. 6130-1 to 6130-19, incl., Rem. Rev. Stat., secs. 2746-41 to 2746-59, incl., Pierce's Code): *Provided, however,* That the "Joint Sanatorium Fund" in the case of counties maintaining and operating joint sanatoria shall be merged with and become part of the tuberculosis account in the county current expense fund. Merger
of funds.

SEC. 8. This act shall take effect July 1, 1943, as of which date each county shall allocate to the tuberculosis account from its assistance account an amount equivalent to a three-tenths (.3) mill tax levy on the assessed valuation of the taxable property in the county to be used for tuberculosis hospitalization during the balance of the fiscal year 1943. Effective
July 1, 1943.

Passed the Senate February 26, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 163.

[S. B. 248.]

PUBLIC HEALTH.

AN Act relating to public health, providing for a county tax levy for county public health work and amending section 1, chapter 191, Laws of 1939 (sec. 3997-2a, Rem. Rev. Stat., sec. 1652-71, Pierce's Code).

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

Amendments. SECTION 1. That section 1, chapter 191, Laws of 1939 (sec. 3997-2a, Rem. Rev. Stat., sec. 1652-71, Pierce's Code) be amended to read as follows:

Public health work tax. Section 1. Each Board of County Commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to four-tenths

Rate of tax. (.4) of a mill on the assessed valuation of the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

Passed the Senate February 26, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 164.

[S. B. 207.]

FIREMEN'S PENSION SYSTEMS.

AN ACT relating to firemen's pension systems; providing for the appointment of a committee to study existing systems and make a report with recommendations to the 1945 Legislature; and making an appropriation.

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

SECTION 1. That a committee shall be constituted as follows: One (1) member of the State Senate, to be appointed by the President of the Senate and one (1) member of the House of Representatives, to be appointed by the Speaker; one (1) fireman who has been retired under the benefits of the present firemen's pension law; four (4) firemen employed in active service of a city fire department; two (2) private citizens to be selected by the seven (7) members of the committee above specified. The retired fireman member of the committee shall be selected by the Retired Firemen's Association; and the four (4) active firemen members shall be selected or elected by the Washington State Council of Fire Fighters; said organizations shall cause the names of their respective selections for the committee to be certified as such by the duly authorized officers of the organization, and shall file such certificate with the Secretary of State.

Interim committee created.

Any vacancy in membership of the committee shall be filled by the same appointing or selecting power as provided herein for appointment or selection of the original member. Said committee, when constituted as herein provided, shall elect a chairman and secretary, and shall keep a record of its meetings, activities and proceedings, one (1) copy of which shall, over the certificate of the secretary as to correctness, be filed with the Secretary of State.

Filling of vacancies.

Organization and records.

SEC. 2. Said committee shall make a study, in-

Survey and
report to
Legislature.

vestigation and survey of the existing pension system for firemen, and shall make a report to the 1945 session of the Legislature not later than during the first week of the session concerning the sufficiency or insufficiency of the present firemen's pension system, and make recommendations concerning the same, or the establishment of a new or different system, and as to what, if anything, shall be done with the existing system.

Employ
necessary
help.

SEC. 3. That, for the purpose of making the study, investigation, survey and report herein authorized the committee created hereunder shall be empowered to employ actuaries, experts, an executive secretary and necessary clerical and other assistance.

Remunera-
tion.

SEC. 4. That said committee and its employees, shall be paid their actual traveling, lodging and subsistence expenses while absent from their usual places of residence in the performance of the duties imposed upon the committee: *Provided*, That expenses and per diem of said committee shall be paid upon their individual vouchers with necessary receipts attached and the salaries, fees and expenses of any employees, actuaries, experts or advisors of said committee shall be paid upon vouchers approved by its executive secretary: *Provided, further*, That any member of said committee who receives any stated and fixed salary for public employment shall receive no salary or per diem for duties performed as a member of said committee, but any other members of said committee shall be paid a per diem not exceeding five dollars (\$5) per day for each day he is actually engaged in the performance of his duties as a member of the committee: *Provided, further*, That subsistence and lodging expenses of members of the committee and any employees shall not exceed the sum of five dollars (\$5) per day for any individual.

SEC. 5. There is hereby appropriated from the General Fund the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary to pay the salaries, wages and expenses of the committee and its employees in accordance with the provisions of this act. Appropriation.

Passed the Senate March 1, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 165.

[S. B. 300.]

APPOINTMENT OF INTERIM COMMITTEE ON GAME.

AN Act relating to the Department of Game; providing for the appointment of an interim committee and prescribing its powers and duties; and making an appropriation.

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

SECTION 1. The successful policies of the state with respect to game management have resulted in seasonal deer and elk concentrations within certain agricultural and horticultural areas of the state giving rise to numerous damage inflictions upon cultivated agricultural and horticultural crops, for which no adequate mode of relief or prevention has been provided. The public has evidenced popular favor of an abundant supply of all species of wild life and will not be subserved by retrenching in the matter of wild life conservation or propagation. It appears to be the consensus of the many diversified and interested groups who have express opinions on the problem that prevention of damage by wild life rather than compensation for damage after it has occurred is the most practical, equitable and economically sound method of solution. The limited data and information available on the aggregate Need for study declared.

damage sustained to personal property and crops by reason of the increased abundance of game life within the state and because of the limited sums of money available in the State Game Fund, the varied sources from which such money is derived, and because of the complications involved and the inequities to certain classes of license holders that would result in attaching responsibility for any or all game damage claims to existing game funds, it appears that the only fair and satisfactory solution to the problem that exists can be arrived at only by a further study and survey and an unbiased approach to the entire game damage situation.

Interim
committee
created.

SEC. 2. The President of the Senate is hereby empowered to appoint three (3) Senate members, and the Speaker of the House [of the House] of Representatives is hereby empowered to appoint three (3) House members, who are hereby authorized and empowered to seek advice from all interested parties and to investigate the existing game problems in relation to all ramifications involved as to the points contained herein, and all activities of the State Game Department and make a mutual report, including therein recommendations for legislation, for consideration by the 1945 legislative session, and to employ such clerical assistance as is necessary to carry out the intent of this act.

Report to
Legislature.

Reimburse-
ment for
expenses.

SEC. 3. The members of said committee shall be entitled to their actual travel, lodging and subsistence expenses while absent from their usual place of residence in the service of the state in attendance at meetings of the committee and for traveling to and from such meetings, the same to be paid upon their individual vouchers.

Appropriation.

SEC. 4. There is hereby appropriated from the State Game Fund the sum of ten thousand dollars

(\$10,000), or so much thereof as may be necessary, to carry out the provisions of this act.

Passed the Senate March 3, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 166.

[S. B. 9.]

PORT DISTRICTS.

AN ACT relating to the powers of port districts and amending section 1, chapter 45, Laws of 1939 (section 9709-1, Remington's Revised Statutes, Supplement), section 4, chapter 92, Laws of 1911, as amended by section 4, chapter 62, Laws of 1913, as further amended by section 1, chapter 125, Laws of 1917, and as further amended by section 1, chapter 183, Laws of 1921 (section 9692, Remington's Revised Statutes), and section 6, chapter 92, Laws of 1911, as amended by section 6, chapter 62, Laws of 1913 (section 9694, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 1 of chapter 45, Laws of 1939 (section 9709-1 of Remington's Revised Statutes, Supplement) be amended to read as follows: Amendments.

Section 1. The Port Commission of any port district in any county may after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, create industrial development districts within such port district and define the boundaries thereof: *Provided*, Such Port Commission shall after such hearing determine that the creation of such industrial development district is proper and desirable in establishing and developing a system of harbor improvements and development in such port district. Industrial development districts.

Amendments. **SEC. 2.** Section 4, chapter 92, Laws of 1911 as amended by section 4, chapter 62, Laws of 1913 as further amended by section 1, chapter 125, Laws of 1917 and as further amended by section 1, chapter 183, Laws of 1921 (section 9692, Remington's Revised Statutes) is amended to read as follows:

Powers of districts. Section 4. All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases or easements necessary for the purposes of the port districts, and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such may be inconsistent with the provisions of this act, and the duties devolving upon the City Treasurer under said law be and the same are hereby imposed upon the County Treasurer for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, together with modern appliances for the economical handling, storing and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within such port district; and in connection with the operation of the improvement of the port district to perform all customary services including

Acquire lands.

Duties of County Treasurer.

Construct facilities.

the handling, weighing, measuring and reconditioning all commodities received; to apply to the proper authorities of the United States under any law now or which may hereafter be in force for the right to establish, operate and maintain foreign trade zones within the limits of the port district and to establish, operate and maintain such foreign trade zones: *Provided*, That where the money so raised is to be used exclusively for the purpose of acquiring land for sites and constructing warehouses, storage plants and other facilities to be constructed within the limits of such foreign trade zone for use in the operation and maintenance of such foreign trade zones, said port shall have the power to contract indebtedness or borrow money and issue general bonds therefor in an amount in addition to the three (3) per centum hereinafter fixed of two (2) per centum of the taxable property in such district to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, such additional indebtedness only to be incurred by the assent of three-fifths (3/5) of the voters of such port district voting thereon; to acquire by purchase or condemnation, or both, lands, property, property rights, leases or easements, and to improve such lands by dredging, filling, bulkheading, providing water ways or otherwise developing such lands for sale or lease by the port district as sites for mills, factories, ship yards and for other industrial and commercial purposes; to establish local improvement districts within such port districts, and to levy special assessments, under the mode of annual installments extending over a period not exceeding ten (10) years on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement

Established foreign trade zones.

Contract indebtedness.

Three-fifths vote required.

Develop industrial sites.

Establish L. I. D.'s.

district, to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the City Treasurer under said laws be, and the same are hereby imposed upon the County Treasurer for the purposes of this act; and to own and control lands, leases, and all easements in land necessary for the purposes of the port districts; to improve navigable and non-navigable waters of the United States and the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district; to regulate and control all such waters and all natural or artificial waterways (waterways of commercial waterway districts excepted) within the limits of such port district so far and to the full extent that this state can grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix absolutely and without right of appeal or review the rates of wharfage, dockage, warehousing and port and terminal charges upon all improvements owned and operated directly by the port district itself and ferry charges of ferries operated by itself: *Provided, however*, That the Port Commission shall file with the Public Service Commission of the State of Washington its schedule of rates and charges so fixed, as is required by the laws of the State of Washington of public service corporations, and may not change

Manner of making assessments.

Duty of County Treasurer.

Improve waterways.

Fix rates.

Shall file rate schedules.

any rate or charge so filed without first filing a notice of such change of rate or charge with the Public Service Commission not less than thirty days prior to the going into effect of such change of rate or charge, and to fix, subject to state regulation, rates of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, or piers owned by said port district but operated under lease from it; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the Port Commission may deem proper: *Provided*, That no lease shall be executed for a period longer than thirty (30) years, and every such lease 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 carry out and perform the terms and conditions of such lease: *Provided*, That in any lease the term of which exceeds five (5) years, and when so stipulated in the lease (the insertion of such stipulation to be discretionary with the Port Commission) the Port Commission shall accept, with surety, satisfactory to the Port Commission, a bond conditioned to carry out and perform the terms and conditions 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 Port Commission shall require of the lessee another or other like bond to be executed and 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

Lease
secured
by bond.

performance of the terms and conditions of the lease, and the penalty in every such bond shall be not less than the rental for one-half the period covered thereby, but no such bond shall be construed to secure the furnishing of any other bond; to sell and convey any property in anywise acquired or owned by the port district whenever the Port Commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district, but no property which is a part of the comprehensive scheme or modification thereof, adopted by vote of the people, shall be sold or disposed of without the assent of a majority of the voters voting on the question of such proposed sale or disposition at a general or special election; to raise revenue by levy of an annual tax on all taxable property within such port district, the total levy for any one year for all purposes, except for the payment of the principal and interest of the general bonded indebtedness of the port not to exceed two mills on each dollar of the assessed valuation of the taxable property in such port district: *Provided*, That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of taxes in school districts of the first class; to contract indebtedness or borrow money for port purposes and issue general bonds therefor not exceeding an amount, together with the existing indebtedness of such port district of three per centum of the assessed value of the taxable property in such district, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness: *Provided*, That no such indebtedness shall be incurred exceeding one per centum of the assessed value of such taxable property in such port district as shown by the last assessment for state and county purposes without three-fifths of the voters of such port district voting on the incurring of such indebtedness.

Sell property.

Limitation.

Levy tax up to 2 mills.

Manner of collection of taxes.

Limit of bonded debt.

Proviso.

edness assenting thereto at a general or special election held in such port district for the purposes of such submission; to have the power to issue general bonds of any such district evidencing any indebtedness thereof payable at any time not exceeding fifty (50) years from the date of such bonds.

Time limit.

SEC. 3. That section 6, chapter 92, Laws of 1911, as amended by section 6, chapter 62, Laws of 1913 (section 9694, Remington's Revised Statutes), is amended to read as follows:

Amendments.

Section 6. It shall be the duty of the Port Commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in such port district, after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, and no expenditure for the carrying on of any harbor improvements shall be made by said Port Commission other than the necessary salaries, including engineers, clerical and office expense of such port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of harbor improvements in such port district, unless and until such comprehensive scheme of harbor improvement has been so officially adopted by the Port Commission.

Adoption of harbor improvement plans.

No expenditures until scheme is adopted.

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

Effective immediately.

Passed the Senate February 5, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 167.

[S. B. 40.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banking and trust business, amending section 42, chapter 80, Laws of 1917 (section 3249, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 42 of chapter 80 of the Laws of 1917 (section 3249 of Remington's Revised Statutes) is amended to read as follows:

Payment
of joint
deposits.

Section 42. When a deposit has been or shall hereafter be made in any national bank, state bank or trust company in the name of two or more persons, payable to any of such persons, such deposit or any part thereof, or any interest, or dividends thereon, may be paid to any of said persons, whether the other be living or not, and the receipt or acquittance of the persons so paid shall be valid and sufficient release and discharge of such corporation for any payment so made.

Passed the Senate February 9, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 168.

[S. B. 78.]

ASSESSMENT AND TAXATION OF FOREST LAND.

AN ACT relating to the assessment and taxation of forest land and the forest crops growing thereon, defining certain terms and the powers and duties of certain state and local officers in connection therewith, providing for appeal and review, and amending sections 1, 2 and 3, chapter 120, Laws of 1941 (sections 11219-21, 11219-22 and 11219-23, Remington's Revised Statutes).

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

SECTION 1. That section 1, chapter 120, Laws of 1941 (section 11219-21, Remington's Revised Statutes) is hereby amended to read as follows: Amendments.

Section 1. For the purposes of this act, unless otherwise indicated by the context: Definitions.

(1) The word "Commission" means the Tax Commission of the State of Washington; "Commis-sion."

(2) The term "forest crop" means the merchantable timber growing upon forest land; "Forest crop."

(3) The term "forest land" means all land heretofore or hereafter acquired by private ownership held or to be held chiefly for forest crop production, not classified or eligible for classification as reforestation land under chapter 40, Laws of 1931, as amended by sections 33 and 34, chapter 206, Laws of 1939 (sections 11219-1 to 11219-15, inclusive, Remington's Revised Statutes), and classified as forest land under the provisions of this act; but does not include wood lots of forty acres or less situated upon or owned in conjunction with or adjacent to lands devoted primarily to farming; "Forest land."

(4) The word "harvesting" means removal for sale or use; "Harvesting."

(5) The term "legal description" or "description" means government subdivision, recorded plat or description by metes and bounds; "Descrip-tion."

"Merchant-able timber."

(6) The term "merchantable timber" means all wood growth capable of being marketed commercially;

"Person" or "owner."

(7) The words "person" and "owner" mean and include persons, firms, co-partnerships, associations or corporations.

SEC. 2. That section 2, chapter 120, Laws of 1941 (section 11219-22, Remington's Revised Statutes) is hereby amended to read as follows:

Timber deemed personal property.

Section 2. For the purpose of taxation, all forest crops on land classified as forest land under the provisions of this act shall be deemed to be personal property and all forest land shall be deemed to be real property. Forest land shall be assessed and taxed under the provisions of law pertaining to the assessment and taxation of real property. The basis of assessment shall be fifty per centum (50%) of the true and fair value of the land in money, which shall be taken to be that value which would remain if the forest crop were entirely harvested. All such forest crops shall be assessed and taxed as personal property, but there shall be no distraint for any such taxes until five (5) years after delinquency thereof. Forest crops upon forest lands, as hereinafter classified, shall be assessed and taxed only as in this act provided.

Forest land deemed realty.

Basis of assessment.

No distraint for 5 years.

SEC. 3. That section 3, chapter 120, Laws of 1941 (section 11219-23, Remington's Revised Statutes) is hereby amended to read as follows:

Classification of forest land.

Section 3. Any owner of land which he may deem eligible for classification as forest land under the provisions of this act may petition the County Assessor to so classify such land. Such petition shall be verified and shall contain a full and complete legal description of his land, the approximate stand of timber by cruise or count and such other information as may assist the Assessor in determining whether the property shall be classified as forest land. The Assessor shall then so classify such land

Petition to contain description.

or refuse to so classify it. He shall then prepare a list of the land he has classified or has refused to classify, containing a legal description of each tract or parcel, the name and address of the owner, the cruise or approximate stand of timber and such other information as may be relevant to the purposes of this act, and in case he has refused classification shall state the reason for such refusal. Such list shall be made in triplicate and one copy forwarded to the Commission and one furnished to the County Treasurer. After completing his classification, the Assessor shall notify each owner or petitioner by mail that his land has been classified as forest land or that the Assessor has refused to classify a petitioner's land as forest land and the owner, petitioner or any person having a lien on or a contract for the purchase of said property, may thereupon, if dissatisfied with the determination of the Assessor, appeal to the Commission by mailing to or filing with the Commission within ten (10) days after receipt of the notice a statement in writing that he appeals from the action of the County Assessor. The Commission shall fix a time for hearing not less than twenty (20) nor more than sixty (60) days from the date of receipt of the notice of appeal at which objections to the classification or the failure of the Assessor to classify may be heard. Such hearing may be held at Olympia or, if the Commission so elects, at the county seat of the county where the land is located, and may be conducted by an agent or appointee of the Commission who shall prepare a transcript of the testimony and submit the same, together with his recommendation, to the Commission for final order. The Commission in its order shall have the right to add to or eliminate from the Assessor's classification such land described in the petition as in its judgment properly should or should not be classified as forest land. One copy of the Commission's order shall be mailed to the Assessor

Assessor
to list.Notice to
owner or
petitioner.Right of
appeal.Commission
to fix time
for hearing.Sites of
hearing.

Order.

Order
reviewable.

and one copy to the owner or appellant and said order shall be reviewable by certiorari as provided by law.

Passed the Senate February 9, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 169.

[S. B. 149.]

SALES OF SECURITIES.

AN ACT providing for the regulation and supervision of the issuance and sale of certain securities to prevent fraud in the sale thereof, and amending section 6, chapter 69, Laws of 1923, as amended by section 3, chapter 97, Laws of 1935 (sec. 5853-6, Rem. Rev. Stat., sec. 482-10, Pierce's Code).

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

Amend-
ments.

SECTION 1. That section 6, chapter 69, Laws of 1923, as amended by section 3, chapter 97, Laws of 1935 (sec. 5853-6, Rem. Rev. Stat., sec. 482-10, Pierce's Code) be amended to read as follows:

Duties of
Director of
licenses.

Section 6. Upon the filing of an application, it shall be the duty of the Director of Licenses to examine the same and the papers and documents filed therewith. If he finds that the proposed plan of business of the applicant is fair, just and equitable, and that the securities which it proposes to issue and the methods to be used by it in issuing and disposing of the same are not such as will work a fraud upon the purchaser thereof, the Director of Licenses shall issue to the applicant a permit authorizing it to issue and dispose of such securities: *Provided*, That no permit shall be issued to any corporation, organized or reorganized, for the purpose of establishing or controlling, by stock ownership or otherwise, an insurance company or companies unless and until

Examination
of
applications.

Limitation
as to
insurance
companies.

the corporation has prepared detailed plans regarding the subsequent organization or control of such insurance company or companies and has presented such plans to the Insurance Commissioner of the State of Washington and has obtained his approval thereof: *Provided further*, That the Insurance Commissioner's approval of the proposed plans of such subsequent organization or control shall not constitute a recommendation or endorsement of the securities permitted to be issued. Should the Director of Licenses find that the proposed plan of business of the applicant is unfair, unjust or inequitable he shall deny the application for a permit and notify the applicant of his decision.

Every permit shall recite in bold type that the issuance thereof is permissive only, and does not constitute a recommendation or endorsement of the securities permitted to be issued.

The Director of Licenses is hereby authorized and directed to make such reasonable rules and regulations as are necessary to carry out the provisions of this act.

Director to
make rules.

The Director of Licenses is empowered to make at any time examinations of or investigations into the records and books of account of any issuing company or broker.

Passed the Senate February 19, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 170.

[S. B. 202.]

DIVORCES.

AN ACT providing for the payment of attorney fees and costs in a proceeding for the enforcement or modification of the orders of the court as set forth in interlocutory and final decrees of divorce.

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

Attorney
fees.

SECTION 1. When it shall appear to the court, upon the hearing of any proceeding instituted for the enforcement or modification of the orders of the court as set forth in any interlocutory or final decree of divorce, that such proceeding was necessary to procure the enforcement or modification of the orders of the court as set forth in said decree, the court may, within its discretion, award attorney fees and court costs.

Passed the Senate February 19, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 171.

[S. B. 237.]

APPROPRIATION FOR GENERAL OBLIGATION BONDS
OF 1933 RETIREMENT FUND.

AN Act appropriating one million four hundred thirty-eight thousand, two hundred ninety-nine dollars (\$1,438,299) from the General Fund of the state to the "General Obligation Bonds of 1933 Retirement Fund"; and declaring this act shall take effect April 1, 1943.

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

SECTION 1. There is hereby appropriated from the General Fund of the State of Washington to the General Obligation Bonds of 1933 Retirement Fund, the sum of one million four hundred thirty eight thousand, two hundred ninety nine dollars (\$1,438,299), which amount, combined with the assets presently held in the General Obligation Bonds of 1933 Retirement Fund, will be sufficient to provide for the payment of the principal and interest on all bonds outstanding against said fund.

Appropriation.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Effective date.

Passed the Senate March 3, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 172.

[S. B. 246.]

SUPPORT AND RELIEF OF NEEDY PERSONS.

AN Act relating to the care, support and relief of needy persons and the levy of taxes therefor, relieving counties of the obligation to pay the overplus of such taxes to the state, providing for reimbursement of counties which have paid the same in whole or in part, amending sections 7, 10 and 11, chapter 216, Laws of 1939 as amended (secs. 10007-107a, 10007-110a and 10007-111a, Rem. Rev. Stat., secs. 6233-237, 6233-240 and 6233-241, Pierce's Code) and further amending chapter 216, Laws of 1939 by adding thereto two (2) new sections to be designated section 17-a and section 10-a.

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

Amendments. SECTION 1. That section 7, chapter 216, Laws of 1939 (sec. 10007-107a, Rem. Rev. Stat., sec. 6233-237, Pierce's Code) be amended to read as follows:

County plan. Section 7. To the end that the department's supervision over county administration of public assistance funds may be made effective, it shall be the duty of the Board of County Commissioners of each county in the state to submit to the department, and through the department to the committee, not later than April 1, 1939, a county plan which shall include:

Agreement. 1. An agreement to submit an annual estimate at such time as may be fixed by the committee showing the county's requirements and resources for the ensuing year with respect to all public assistance and plans for the expenditure thereof.

2. An agreement to submit quarterly budgets at least thirty days in advance of each quarterly period showing the requirements and resources of the county with respect to public assistance, together with supporting records and data, based upon past expenditures for such purposes and anticipated demands for further funds.

3. An agreement to comply with the terms of this act respecting the issuance of warrants through the office of the State Auditor.

4. An agreement to keep such records, make such reports and use such blanks and forms as may be prescribed by the committee. Said records, reports, blanks and forms shall not exceed in scope and extent the minimum requirements of the Federal government in respect thereof.

5. An agreement to provide a full and fair hearing to each applicant as provided in this act.

6. An agreement to make available for assistance purposes a sum equal to a two (2) mill tax levy upon the assessed valuation of its taxable property, together with such miscellaneous revenues as may accrue to the county through the operation of public assistance programs, and to apply such moneys in accordance with uniform standards prescribed by the department and submit quarterly reports of all expenditures for such assistance purposes within the county.

7. A statement of plans for the conduct of investigations of need and the determination of eligibility for the granting of public assistance.

Sec. 2. That section 10, chapter 216, Laws of 1939, as amended by section 3, chapter 128, Laws of 1941 (sec. 10007-110a, Rem. Rev. Stat., sec. 6233-240, Pierce's Code) be amended to read as follows: Amendments

Section 10. Each county in the state shall levy annually a tax upon the assessed valuation of its taxable property at a rate of not less than two (2) mills for public assistance purposes. A sum equal to the amount so assessed, together with revenues accruing to the county from the administration of the public assistance program shall be deposited in the county current expense fund in an assistance account and shall be disbursed by warrant of the County Auditor upon a prescribed form authenticated by the County Administrator and approved by Two-mill
county tax
levy.

Disburse-
ment.

the Board of County Commissioners. Disbursements of moneys in such account shall be made primarily for general assistance purposes and shall conform to the uniform standards established as specified in this act. General assistance within the meaning of this section shall include hospital, institutional and medical care, excluding tuberculosis hospitalization.

Overplus.

In the event that any county in the state does not for general assistance purposes require the sum assessed as provided in this section, taken in conjunction with revenues accruing to the county from the administration of public assistance programs, it shall be authorized, by resolution of its Board of County Commissioners, to release the amount of the overplus, or such portion thereof as may be deemed expedient by said Board of County Commissioners, from the assistance account to the current expense fund for general county purposes.

Amendments.

SEC. 3. That section 11, chapter 216, Laws of 1939 (sec. 10007-111a, Rem. Rev. Stat., sec. 6233-241, Pierce's Code) be amended to read as follows:

Inadequate
levy.

Section 11. If any county finds that proceeds of the two (2) mill levy required by this act to be made for general assistance purposes are inadequate for such purposes, the County Administrator shall be empowered to submit to the Director and committee a request for a special grant-in-aid of state funds. Such request shall be accompanied by a budget of estimated necessary expenditures for general assistance for the period covered by the request and such other data and information as the Director may prescribe. For the purpose of this section general assistance shall include programs under Division 1 (b), Medical and Institutions. Upon consideration of such request and supporting budget, the committee shall allocate to the county such amount as in its judgment is proper for general assistance purposes, and immediately notify the administrator of the amount of the allocation. Disbursements for general

assistance under this section shall be made by warrant of the County Auditor in the manner prescribed in section 10, and the county shall from time to time be reimbursed for such expenditures by warrant of the State Auditor drawn against the county's allocation of funds in the State Treasury. In order to secure reimbursement under this section it shall be incumbent on the counties to maintain such records pertaining to expenditures and to conform to such other requirements in respect thereto as may be prescribed by the Department of Social Security.

Disbursement.

SEC. 4. That chapter 216, Laws of 1939 be amended by adding thereto a new section to be designated section 17-a reading as follows:

Amendment by adding new section.

Section 17-a. Recipients of Federal-aid assistance whose welfare will be furthered by temporary residence outside the state may continue to receive public assistance grants from the state if they are still in need. Their continuing eligibility for such assistance shall be subject to periodic review by the welfare department of the state and county in which they may be residing: *Provided, however,* That the medical, dental and hospital services provided, in addition to grants, to recipients living in the State of Washington, shall not be furnished to recipients removing to other states.

Temporary removal from state no bar.

Limitation.

SEC. 5. That chapter 216, Laws of 1939 be amended by adding thereto a new section immediately following section 10 and to be known as section 10-a to read as follows:

Amendment by adding new section.

Section 10-a. Any county which on January 1, 1943, had an unexpended balance in its assistance account derived from the levy imposed by section 10, chapter 216, Laws of 1939, as amended by section 3, chapter 128, Laws of 1941 (sec. 10007-110a, Rem. Supp. 1941, sec. 6233-240, Pierce's Code), over and above an amount estimated to be necessary to discharge obligations against such account, is hereby

Disposition of overplus.

authorized to release such overplus from the assistance account to the current expense fund for general county purposes and is relieved of liability to pay or account to the state therefor. For the purposes of this section, the term "obligations against such account" shall mean and include only such obligations as have been incurred within the county for general assistance purposes, including hospitals, institutional and medical care and public health activities.

Claims for
reimburse-
ment.

Any county which has heretofore, under the provisions of said section, paid any such overplus, or portion thereof, to the state shall have a valid claim against the state for reimbursement which shall be made by means of special grants-in-aid to such county for general assistance purposes under the procedure specified in section 11, chapter 216, Laws of 1939 (sec. 10007-111a, Rem. Rev. Stat., sec. 6233-241, Pierce's Code), except that no request or budget shall be required in order to authorize the Social Security Committee to allocate funds in the state treasury to the credit of the county. Such reimbursement shall be payable out of the appropriation made to the Department of Social Security and the special grants-in-aid shall be spaced at such intervals of time as to secure full reimbursement to the county during the next ensuing fiscal biennium without interfering with the normal functions of the department.

Passed the Senate February 26, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 173.

[S. B. 269.]

WAR LIQUOR TAX.

AN ACT imposing and providing for the collection of a tax on retail sales of alcoholic liquor to be known as the War Liquor Tax, providing for the distribution of such tax to the state, counties and cities and towns, imposing duties on certain state officers, creating a state fund to be known as the War Liquor Tax Fund, making an appropriation, and providing when said act shall take effect.

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

SECTION 1. As used in this act, the word "board" shall mean the Washington State Liquor Control Board; and the term "retail selling price" shall mean the total amount of money, including all state and Federal taxes, which, except for the tax hereby imposed, passes with respect to a retail sale of alcoholic liquor from the buyer to the Board. The tax imposed by this act shall be known as the War Liquor Tax.

Terms defined.

SEC. 2. In addition to all other taxes now imposed with respect to alcoholic liquors or the sale thereof, from and after April 1, 1943, there is hereby levied and there shall be collected a tax at the rate of ten per cent (10%) upon the retail selling price of all alcoholic liquors sold by the Board. Said tax shall be computed, stated and collected separately on each retail sale to the purchaser, and shall be collected by the Board from said purchaser at the time the retail selling price is paid.

War liquor tax imposed.

Collected separately at time of sale.

SEC. 3. On or before the 15th day of each month beginning with the month of May, 1943, the Board shall pay over to the State Treasurer all monies collected by it under this act during the preceding month. Upon receipt of such monies the State Treasurer shall credit the same to a fund which is hereby created to be known as the War Liquor Tax Fund.

Remit to Treasurer monthly.

Fund created.

Distribution
semi-
annually.

SEC. 4. On or before the 15th day of July and January of each year all monies in the War Liquor Tax Fund on the first day of such month shall be distributed by the State Treasurer to the state, and the counties and cities and towns of this state in the following proportions:

35% to
general fund.
15% to
counties.

(4-a) Thirty five per cent (35%) thereof shall be distributed to the General Fund of the state;

(4-b) Fifteen per cent (15%) thereof shall be distributed to and divided among the counties of the state in accordance with the following computation:

Population
basis of
distribution.

The share coming to each county shall be determined by a division among the counties according to the relation which the population of the unincorporated area of such county, as shown by the last Federal census, bears to the total combined population of the total combined unincorporated areas of all counties, as shown by the last Federal census;

50% to cities.

(4-c) Fifty per cent (50%) thereof shall be distributed to and divided among incorporated cities and towns of the state in accordance with the following computation:

Population
basis of
distribution.

The share coming to each incorporated city or town shall be determined by a division among the incorporated cities and towns according to the relation which the population of each incorporated city or town, as shown by the last Federal census, bears to the total combined population of all incorporated cities and towns, as shown by the last Federal census: *Provided*, That if any city or town shall have been incorporated subsequent to the last Federal census, such city or town shall, subject to the provisions of this section, be entitled to distribution of funds as herein provided and until the next Federal census, on the basis of the official population used in the incorporation proceedings; and computations for distribution shall be made accordingly.

Proviso.

The State Auditor shall furnish the State Treas-

surer with the data and computations necessary for making such distributions.

SEC. 5. There is hereby appropriated from the War Liquor Tax Fund the sum of ten million dollars (\$10,000,000), or so much thereof as may be necessary for the purpose of making the apportionments and distributions of revenue from the War Liquor Tax provided by this act to the General Fund of the state, and to the counties and cities and towns of this state.

Appropriation.

SEC. 6. All monies received by any county under this act shall be used exclusively for the protection of the public health, maintenance and operation of county roads, the Superior Court, and the Sheriff's office of said county; and all monies received by any incorporated city or town under the provisions of this act shall be expended exclusively for health, police protection and protection from loss by fire in such city or town.

Purposes for which may be used.

SEC. 7. In case it be adjudged that any or all of the revenue derived from this act cannot be lawfully apportioned or distributed as provided herein, then the portion of such revenue as to which such method of apportionment and distribution is adjudged invalid shall be apportioned and distributed to the General Fund of the state.

SEC. 8. This act is necessary for the immediate support of the State of Washington and its existing governmental institutions, and shall take effect on April 1, 1943.

Effective April 1, 1943.

Passed the Senate March 6, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 174.

[S. B. 279.]

APPROACHES TO COUNTY ROADS.

AN ACT relating to construction of approaches to county roads; empowering the several Boards of County Commissioners to make rules and regulations therefor; and prescribing penalties for violation thereof.

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

Permission required.

SECTION 1. No person, firm or corporation shall be permitted to build or construct any approach to any county road without first obtaining permission therefor from the Board of County Commissioners of said county.

Boards to make rules.

SEC. 2. The Boards of County Commissioners of the several counties of the state are hereby empowered and authorized to adopt reasonable rules and regulations for the construction of such approaches which, when complied with, shall entitle such person, firm or corporation to build or construct an approach from any abutting property to any county road. Such regulations may include provisions for the construction of culverts under said approaches, the depth of fills over said culverts and for such other drainage facilities as in the discretion of the Board of County Commissioners may be necessary. The construction of approaches, culverts, fills or such other drainage facilities as may be required, shall be under the supervision of the Boards of County Commissioners or their agents and all such construction shall be at the expense of the person, firm or corporation benefited by the construction of such approach.

Penalty.

SEC. 3. Any person, firm or corporation violating

any of the provisions of this act shall be guilty of a misdemeanor.

Passed the Senate March 6, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 175.

[S. B. 281.]

USEFUL EMPLOYMENT FOR INMATES OF PENAL INSTITUTIONS.

AN ACT relating to the useful employment of State Penitentiary and Reformatory prisoners, authorizing under certain conditions the employment of certain types of prisoners in farm labor and prescribing limitations in connection therewith, empowering the establishment of temporary branch institutions in the form of honor camps, prescribing the powers and duties of the Director of Finance, Budget and Business and the Board of Prison Terms and Paroles in connection therewith, declaring an emergency and limiting the effective period of certain parts of the act.

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

SECTION 1. The Director of Finance, Budget and Business, through and by means of the Division of Public Institutions, shall have the power and it shall be his duty to provide for the useful employment of prisoners in the State Penitentiary and the State Reformatory: *Provided*, That no prisoners shall be employed in what is known as the contract system of labor.

Director of Finance to provide.

Proviso.

SEC. 2. The Director of Finance, Budget and Business, through and by means of the Division of Public Institutions, shall make the necessary rules and regulations governing the conduct of all such operations, the employment of prisoners, and the disposal of the products thereof, under such restrictions as now provided by law.

Rules to be made.

May set up
honor camps.

SEC. 3. The Director of Finance, Budget and Business, through and by means of the Division of Public Institutions, 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.

Prisoners
may work
outside under
guard.

SEC. 4. The Director of Finance, Budget and Business, through and by means of the Division of Public Institutions, may authorize the Superintendents of the State Penitentiary and the State Reformatory to allow inmates to work on farms outside the confines of the Institution under suitable guard:

Life terms
excepted.

Provided, That any person who is now or hereafter may be imprisoned in the State Penitentiary or the State Reformatory under the sentence of life or for the crime of murder or any crime involving sex shall be excepted from the provisions of this section.

Parole board
may reduce
terms.

SEC. 5. The State Board of Prison Terms and Paroles shall be authorized to reduce minimum terms already set by an amount not to exceed six months in any instance in order to permit any person who is now or hereafter may be imprisoned in the State Penitentiary or State Reformatory, to engage in farm labor or in those occupations enumerated in section

Life terms
excepted.

3: *Provided*, That any person who is now or hereafter may be imprisoned in the State Penitentiary or the State Reformatory under a sentence of life or for the crime of murder or involving a crime of sex shall be excepted from the provisions of this section.

Other labor
sources
exhausted.

SEC. 6. All such employment of inmate labor shall be supplied only upon certification in writing from the U. S. Employment office in the area affected, that all other available sources of labor have been exhausted:

Inmate must
concur.

Provided, That each inmate who participates in this type of employment shall do so of his

own free will and accord and shall sign a written statement to that effect: *Provided further*, That no inmate labor shall be furnished under the provisions of section 4 at less than the prevailing rate of pay in the locality and for the type of work in question, and shall not be employed where there is a labor dispute.

Prevailing
pay rate to
prevail.

SEC. 7. If any section or other portion of this act should for any reason be adjudged to be unconstitutional, such adjudication shall not affect the remaining portions of the act.

Saving
clause.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Sections 4, 5 and 6 shall remain in force only for the duration of the existing war.

Effective
immediately.

Partial
termination.

Passed the Senate March 6, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 176.

[S. B. 7.]

REGISTRATION OF UNREPORTED BIRTHS.

AN ACT relating to the registration of unreported births; providing the procedure therefor; amending section 1, chapter 167, Laws of 1941 (section 6011-1, Rem. Supp. 1941); amending section 2, chapter 167, Laws of 1941 (section 6011-2, Rem. Supp. 1941); amending section 4, chapter 167, Laws of 1941 (section 6011-4, Rem. Supp. 1941); repealing section 3, chapter 167, Laws of 1941 (section 6011-3, Rem. Supp. 1941); and declaring an emergency.

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

SECTION 1. That section 1, chapter 167, Laws of 1941 (section 6011-1, Rem. Supp. 1941), be and the same hereby is amended to read as follows:

Amendments.

Section 1. Whenever a birth which has occurred in this state prior to the date of this act is not on

Registration
of
unrecorded
births.

record in the office of the State Registrar or in the office of the Auditor of the county in which the birth occurred if such birth was prior to July 1, 1907, and the attending physician is not available to make the registration, application for the registration of the birth may be made by the interested person to the State Registrar as hereinafter provided.

Application to State Registrar.

Amendments.

SEC. 2. That section 2, chapter 167, Laws of 1941 (section 6011-2, Rem. Supp. 1941), be and the same hereby is amended to read as follows:

Form provided.

Section 2. The application shall be made upon a form provided by the State Registrar and shall be supported by the affidavit of at least two (2) persons having knowledge of the facts stated therein, or reason to believe that such facts are true, or by documentary evidence. A fee of fifty cents (\$.50) shall be paid to the State Registrar at the time the application is made. No other or further fee shall be paid to the registrar for the registration of such birth.

Supporting affidavit.

Fee.

Repeals.

SEC. 3. That section 3, chapter 167, Laws of 1941 (section 6011-3 Rem. Supp. 1941), be and the same hereby is repealed.

Amendments.

SEC. 4. That section 4, chapter 167, Laws of 1941 (section 6011-4, Rem. Supp. 1941), be and the same hereby is amended to read as follows:

Birth shall be registered.

Section 4. The birth shall be registered in the records of the State Registrar and shall also be filed in the local registration district in which the birth occurred. A certified copy of such record, when issued, shall be *prima facie* evidence in all courts and places of the facts stated therein. Certified copies shall be furnished at a fee of fifty cents (\$.50) each.

Right of appeal.

SEC. 5. In the event that the State Registrar shall fail or refuse to register the birth as in this act provided the applicant shall have a right to appeal to a Judge of the Superior Court, either of the county of residence or of the county of birth, from the order of the State Registrar. No bond shall be required of the

applicant on such appeal nor shall the applicant be required to pay any costs on account of the proceedings in such Superior Court. Such appeal shall be taken by filing notice thereof with the said Superior Court and mailing a copy of such notice to the State Registrar. The State Registrar shall within fifteen (15) days file in said Superior Court a full and complete transcript of all proceedings had before such State Registrar which transcript shall be duly certified by the State Registrar. Such appeals shall have precedence and shall be determined by the said Superior Court with the least possible delay. The Superior Court shall then hear the matter *de novo* and shall take such testimony as may, in his judgment, be necessary to establish the facts as to the birth of the applicant. The court may continue the hearing for the taking of further testimony. The court shall if the birth be proved issue an order to the State Registrar that such birth be registered or may deny the application and appeal if such birth be not proved. Either the applicant or the State Registrar shall have the right to appeal to the Supreme Court from the decision of the Superior Court, but no bond shall be required and no costs imposed on such appeal. If the Superior Court or the Supreme Court shall order the birth to be registered such birth shall be registered in the records of the State Registrar and shall also be filed in the local registration district in which the birth occurred.

No bond
or costs
on appeal.

Transcript
to be filed.

Precedence.

Court may
continue.

Order
registration.

Further
appeal.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Effective
immediately.

Passed the Senate February 19, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 177.

[S. B. 11.]

WATER DISTRICTS.

AN ACT validating the organization, establishment, and existence of water districts and local improvement districts and utility local improvement districts therein, heretofore organized or established or attempted to be organized or established under chapter 114 of the Laws of 1929 and amendments thereto; validating and confirming all bonds, obligations, contracts, assessments, levies, and all other acts, proceedings and things heretofore executed, issued or done by such districts or their officers, and providing that this act shall take effect immediately.

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

Districts validated.

SECTION 1. Each and all of the respective areas of land heretofore attempted to be organized into water districts or into local improvement districts or utility local improvement districts under the provisions of chapter 114 of the Laws of 1929 and amendments thereto, are hereby validated and declared to be duly existing water districts, or local improvement districts, or utility local improvement districts, as the case may be, having the respective boundaries set forth in their organization proceedings as shown by the files in the office of the Board of County Commissioners of the county in question and of such water districts.

Debts, contracts, bonds, etc., declared legal.

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

hereby declared legal and valid and of full force and effect.

SEC. 3. The provisions of the act shall apply only to such districts attempted to be organized under chapter 114 of the Laws of 1929, and amendments thereto, which have maintained their organization as such since the date of such attempted organization, establishment, or creation.

Act limited to Ch. 114, Laws of 1929.

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

Saving clause.

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

Effective immediately.

Passed the Senate February 9, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 178.

[S. B. 39.]

ELECTION OF PRECINCT AND STATE COMMITTEEMEN.

AN ACT relating to the election and duties of Precinct Committeeman and State Committeeman and amending section 1, chapter 48, Laws of 1939 (section 5198 of Remington's Revised Statutes, Supplement).

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

SECTION 1. That section 1, chapter 48, Laws of 1939 (section 5198 of Remington's Revised Statutes, Supplement) be amended to read as follows:

Amendments.

Section 1. The Precinct Committeeman of each party entitled to participate in the September primaries shall be elected at the general election. No person shall be eligible to be elected a precinct Committeeman unless he shall be at the time of making the filing hereinafter referred to a registered voter in

Elect at general election.

Eligibility.

Must be registered in precinct. the precinct for which he shall file his declaration of candidacy as a Precinct Committeeman. Any elector duly registered to vote in his precinct may file, at a cost of \$1.00, with the County Auditor, a declaration of candidacy for Precinct Committeeman for the election precinct in which he resides. Said filing shall as nearly as possible follow the form provided for the filing of declaration of candidacy for county offices. Such filing shall be made at the same time as provided by law for the filing of declarations of candidacy for county offices but the candidates so filing shall not be elected until the general election. The name of such candidates so filing for Precinct Committeeman shall be printed or stamped upon the official ballot: *Provided*, That nothing herein contained shall prevent any voter from writing in on the ticket the name of one qualified registered elector of the precinct, for member of the party committee of his party county committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. The party committee of each county shall consist of the precinct committeeman from the several precincts of such county. The state committee shall consist of one committeeman and one committeewoman from each county, elected by the county committee which shall meet for such purpose and organization at the court house at the county seat of each county at 2 o'clock p. m. on the second Saturday after such general election, unless some other time and place of such meeting shall be designated by a regular call of the properly authorized officers of the retiring committee. The officers of each county committee and the officers of the state committee must include a chairman, and a vice-chairman who shall be of the opposite sex from the chairman. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect

Declaration of candidacy.

Filing time.

Ballot printing.

Voter may write in.

Highest vote elects.

County committee.

State committee.

Time of county meeting.

Party rules and conventions.

delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors and perform all other functions inherent to such organization, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election.

Fill vacancies on ticket.

Limitation.

Passed the Senate March 11, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 170.

[S. S. B. 69.]

FOOD AND SHELLFISH.

AN ACT relating to food fishes and shellfishes; specifying for certain officers the power to search and to arrest for violations in connection therewith; defining offenses and providing penalties; amending section 8, chapter 31, Laws of 1915 (sec. 5660, Rem. Rev. Stat.) and amending section 31, Laws of 1915 by adding thereto a new section to be known as section 8A.

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

SECTION 1. That section 8, chapter 31, Laws of 1915 (sec. 5660, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 8. The Director of Fisheries, and any Fisheries Inspector, or Deputy Fisheries Inspector shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this act, or any of the rules, regulations, or orders made by the Director of Fisheries, and they are hereby made peace officers for such purpose. If any person knowingly or wilfully resists or opposes such officer in the discharge of his said duties, he shall be guilty of a gross misdemeanor.

Power of arrest.

Penalty for resisting arrest.

Amendment
by adding
new section.

SEC. 2. That chapter 31, Laws of 1915 be amended by adding thereto a new section to be known as section 8A, reading as follows:

Power to
search
without
warrant.

Section 8A. The Director of Fisheries, and any Fisheries Inspector, or Deputy Fisheries Inspector shall have the power to search without warrant, any person, boat, fishing appliance, cannery, and any property used in catching, packing, curing, preparing or storing food fish or shellfish or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel or other place, except any private domicile used exclusively as such or any quarters in any building or boat used exclusively as a private domicile, where he has reason to believe that food fish or shell fish are kept for sale, barter, or other purpose and which he has reason to believe contain evidence of violations of this act or of any rule, regulation or order made by the director of fisheries and any hindrance or interference with any such officer while engaged in making such search shall be *prima facie* evidence that the person interfering with or hindering such officer is guilty of a violation of this act. Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has or have been unlawfully caught, taken or killed or which is unlawfully possessed in violation of the provisions of this act or of any order, rule or regulation made by the Director of Fisheries and the same shall be confiscated to the state.

Exception.

Interference
prima facie
evidence of
violation.

Power of
seizure.

Passed the Senate February 23, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 180.

[S. S. B. 70.]

FOOD FISH LICENSES.

AN ACT relating to fisheries; authorizing any Superior Court in the State of Washington to revoke licenses; authorizing the Director of Fisheries to refuse the issuance of licenses; defining offenses and providing penalties.

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

SECTION 1. Any Superior Court of the State of Washington is hereby authorized to revoke, cancel, and demand the surrender of any license to take, handle, process or deal in any food fish or shellfish, held by any person, firm or corporation, if such person, firm or corporation shall have been found guilty after the passage of this act of violating any fisheries law or any rule or regulation made by the Director of Fisheries, if in the opinion of the court such person, firm or corporation is deemed to be a menace to the proper conservation of the fisheries resources of the state.

Courts may revoke licenses for violation.

The Director of Fisheries is hereby authorized to refuse to issue any license for the taking, handling, processing or dealing in any food fish or shellfish to any person, firm or corporation, if such party, or parties, shall have had a previous fisheries license revoked.

Director may refuse license.

The Director of Fisheries is further authorized to refuse to issue such license to any firm or corporation, if in his opinion such firm or corporation has been organized to circumvent the intent of this act: *Provided, however,* That any person, firm or corporation feeling himself, or itself, aggrieved by any ruling of the Director of Fisheries in relation to the issuance or reissuance of a fisheries license, shall have the right of appeal from such ruling to the Superior Court of Thurston County; and upon such appeal being taken, the same shall be set for hearing and heard

Extends to corporations.

Right of appeal.

Venue.

Appeals
de novo.

Order of
court.

Refusal to
surrender
license is
gross mis-
demeanor.

Equipment
subject to
abatement.

by the judge of said court, *de novo*, without a jury, and at the conclusion of the hearing the judge shall enter an order approving the ruling of the Director of Fisheries in connection therewith, or disapproving of the same, as may to the judge seem necessary for the proper conservation of the fisheries resources of the state.

SEC. 2. Any person, firm or corporation who shall refuse to surrender any license upon demand by any Superior Court, or who shall continue to operate in defiance thereof, shall be deemed guilty of a gross misdemeanor, and if any such person, firm or corporation continues to take, handle, process or deal in any food fish or shellfish, following the revocation or cancellation of his or their license under the provisions of this act, then any appliance, equipment, or any part thereof so used in the taking, handling, processing, transporting or dealing in said food fish or shellfish is hereby declared a public nuisance and shall be subject to abatement as such.

Passed the Senate February 23, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 181.

[S. S. B. 73.]

FOOD AND SHELLFISH.

AN ACT relating to food fish and shellfish and the taking, possession, disposal and sale thereof; defining offenses; providing penalties; repealing section 66, chapter 31, Laws of 1915 as amended by section 17, chapter 169, Laws of 1917 (section 5718, Remington's Revised Statutes; section 2475, Pierce's Code).

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

SECTION 1. The Director of Fisheries shall have the power from time to time to make, adopt, amend and promulgate, in the manner provided by law, rules and regulations governing the following: (1) fixing the times when the possession, sale or disposal of the several classes of, or all, shellfishes is prohibited, whether the same are taken within or without the State of Washington, (2) fixing the size, sex, numbers and/or amounts of the several classes of, or all, food fishes and shellfishes that may be taken, possessed, sold or disposed of, (3) requiring and regulating the landing of the several classes of, or all, food fishes and shellfishes, or any part or parts thereof, which in the judgment of the Director of Fisheries are necessary to the economic welfare of the State of Washington. Any person, firm or corporation who shall violate any provision of this section or any rule or regulation or order of the Director of Fisheries made pursuant thereto shall be guilty of a gross misdemeanor.

Director to make rules.

Penalty for violation.

SEC. 2. Section 66, chapter 31, Laws of 1915, as amended by section 17, chapter 169, Laws of 1917 (section 5718, Remington's Revised Statutes; section 2475, Pierce's Code), is hereby repealed.

Repeals.

SEC. 3. If any paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be con-

Saving clause.

fined in its operation to the paragraph, sentence, clause or word of the act directly involved in the controversy in which such judgment shall have been rendered.

Passed the Senate February 23, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 182.

[S. B. 80.]

BOUNDARIES OF TAXING DISTRICTS.

AN ACT relating to taxation, setting the date establishing county, city and other taxing district boundaries for purposes of property taxation and the levy of property taxes, providing that no levy shall be made in certain cases, amending section 1, chapter 136, Laws of 1939 (section 11106-1, Remington's Revised Statutes), and declaring an emergency.

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

Amendments. SECTION 1. That section 1, chapter 136, Laws of 1939 (section 11106-1, Remington's Revised Statutes) is hereby amended to read as follows:

Boundaries fixed as of May 1. Section 1. For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of May of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of May of such year.

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

Passed the Senate February 9, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 183.

[S. B. 84.]

OFFICERS OF FOURTH CLASS CITIES AND TOWNS.

AN ACT relating to fourth-class cities and towns and the officers thereof; and amending sec. 144 of chapter VII (7), Laws of 1889-90, as amended by chapter 91, Laws of 1941.

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

SECTION 1. That section 144 of chapter VII (7), Laws of 1889-90 (section 9165 of Remington's Revised Statutes; section 827 of Pierce's Code), as amended by chapter 91, Laws of 1941, be amended to read as follows: Amendments.

Section 144. The Mayor, members of the Council and Treasurer shall be elected by the qualified electors of said town at the general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The Treasurer shall hold office for the period of four years from and after the second Tuesday in January next succeeding the date of such election and until his successor is elected and qualified. Date of election.

The Mayor shall hold office for a period of four years and the members of the Council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election and until their successors are elected and qualified. Term of treasurer.

Provided, That the first Council elected under the provisions of this act shall at their first meeting so classify themselves by lot as that three (3) of their number shall go out of office at the expiration of one (1) year and two (2) at the expiration of two (2) years. Terms of mayor and councilmen.

The Mayor shall appoint a Marshal, Police Justice and Clerk. The City Council may provide by ordinance for the appointment by the Mayor of an Attorney, Poundmaster, Superintendent of Streets, a Civil Engineer and such Police and other subordinate officers as in the judgment of the City Previso.

Appointive officers.

Council may
fix com-
pensation.

Council may be deemed necessary and may by ordinance fix their compensation. No appointment of any officer provided for herein shall be subject to confirmation by the City Council. All officers appointed by the Mayor as provided for in this act shall hold office during his pleasure.

Nomination
by caucus.

Any such city is authorized by ordinance of its City Council to provide for the nomination of candidates to be elected at the general city election by a caucus to be held therein. Notice of such caucus

Notice.

shall be given by posting and publication of at least ten (10) days prior to the date fixed for the holding thereof, and the caucus shall be held, in such manner as shall be determined by ordinance of the City Council. The only purpose of this amendment and re-enactment is to make it clear that the provisions of chapter 87, Laws of 1939, as amended by chapter 108, Laws of 1941, shall control with respect to the terms of office of the Mayor and Treasurer, and that the enactment of chapter 91, Laws of 1941, was not intended to modify or change the provisions of chapter 108, Laws of 1941, in that respect, nor is it intended by the reenactment of the provisions with respect to the date of holding elections and taking office to change the dates of holding elections or taking office which may have heretofore been made applicable thereto by laws previously enacted.

Purpose of
amendment.

Passed the Senate February 9, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 184.

[S. B. 85.]

MOTOR VEHICLE OPERATORS' LICENSES.

AN ACT relating to motor vehicle operators' licenses and providing that such licenses of persons in the armed forces of the United States shall continue in force and effect without renewal during war service.

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

SECTION 1. A motor vehicle operator's license issued to any person serving in the armed forces of the United States, if valid and in force and effect at the time such person entered such service, shall continue in full force and effect so long as such service continues unless the same is sooner suspended, cancelled or revoked for cause as provided by law and for not to exceed ninety (90) days following the date on which the holder of such operator's license is honorably separated from service in the armed forces of the United States.

License
valid for
period of
service.

Ninety days
after
discharge.

Passed the Senate February 8, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 185.

[S. B. 91.]

PUBLICATION AND DISTRIBUTION OF WASHINGTON REPORTS.

AN ACT relating to the publication, sale and distribution of the decisions of the Supreme Court in both the form of advance sheets for temporary use and in permanent form; creating a Commission to supervise such publication and defining the duties and powers of such Commission; and repealing section 1, chapter 167, Laws of 1905, as amended by section 1, chapter 87, Laws of 1917 (section 11064, Remington's Revised Statutes), sections 2, 3 and 4, chapter 167, Laws of 1905 (sections 11065, 11066 and 11067, Remington's Revised Statutes), sections 1, 2 and 3, chapter 117, Laws of 1919 (sections 11068, 11069 and 11070, Remington's Revised Statutes), and section 1, chapter 162, Laws of 1921 (section 11071, Remington's Revised Statutes).

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

Supervisory
commission
created.

SECTION 1. There is hereby created a Commission to supervise the publication of the decisions of the Supreme Court of this state in both the form of advance sheets for temporary use and in permanent form, to be known as the Commission on Supreme Court Reports, and to consist of five (5) members, as follows: the Chief Justice of the Supreme Court, who shall be chairman of the Commission, the Reporter of Decisions of the Supreme Court, the State Law Librarian, the Public Printer, and a representative of the Washington State Bar who shall be appointed by the president thereof. Members of the Commission shall serve as such without additional or any compensation.

Serve with-
out pay.

Power of
commission.

SEC. 2. The Commission is authorized and directed, from time to time: to determine all matters whatsoever, pertaining to the publication (which is defined as including printing, binding, sale and distribution) of such decisions, in both such

temporary and permanent forms, including the making of all specifications for material, workmanship, binding, size, number of pages, contents, and arrangement thereof, frequency of publication, and all other matters, whether similar to the foregoing or not, that relate to such publication: *Provided*, That the specifications shall require that the type to be used shall not be smaller than eleven (11) point on a thirteen (13) point slug; to establish a uniform price at which such decisions, in temporary and permanent form, either separately or together, shall be sold to any purchaser, public or private, including the state, its departments, subdivisions, institutions, and agencies; to establish said price at the amount which is, as nearly as may be, equal to the cost of such publication and the expenses incidental thereto, which price, if it is deemed necessary and proper by the Commission in the light of substantially changed costs and expenses, may be adjusted annually, and in no event oftener than semi-annually; to enter, in the name of the Commission, into any and all contracts with any persons, firms, and corporations, deemed by the Commission necessary and proper to carry into effect the foregoing powers, with authority to include all such terms and conditions as the Commission in its discretion shall deem fit; to modify or terminate, with the consent of the other party thereto, any contract existing at the effective date of this act for the publication of such decisions.

Powers of commission.

Type size specified.

Uniform price.

Prices may be adjusted.

Enter into contracts.

SEC. 3. Section 1, chapter 167, Laws of 1905, as amended by section 1, chapter 87, Laws of 1917 (section 11064, Remington's Revised Statutes), sections 2, 3 and 4, chapter 167, Laws of 1905 (sections 11065, 11066 and 11067, Remington's Revised Statutes), sections 1, 2, and 3, chapter 117, Laws of 1919 (sections 11068, 11069 and 11070, Remington's Revised Statutes), section 1, chapter 162, Laws of 1921 (section

Repeals.

11071, Remington's Revised Statutes) are hereby repealed.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 186.

[H. B. 64.]

COMPENSATION AND MEDICAL AID OF INJURED WORKMEN.

AN ACT relating to compensation and medical aid of injured workmen and amending section 13, chapter 182, Laws of 1921, as amended (sec. 7775, Rem. Rev. Stat.) and section 5, chapter 28, Laws of 1917, as amended (sec. 7714, Rem. Rev. Stat.).

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

Amendments.

SECTION 1. That section 13, chapter 182, Laws of 1921, as amended by section 14, chapter 136, Laws of 1923 (sec. 7775, Rem. Rev. Stat.) be amended to read as follows:

Penalty for non-compliance with standards.

Section 13. Any employer who in any establishment carried on by him has refused or failed to comply with any of the existing educational, safe place or safety devise [device] standards applicable to any such establishment for a period of thirty days after having had written notice from the division of safety shall be penalized in a sum not to exceed one thousand dollars (\$1,000), to be collected on the regular payroll account of the firm or person as reported and paid to the Industrial Insurance Accident Fund. Any employer so penalized shall have the right of appeal to the joint board of the Department of Labor and Industries, and from the joint board to the Superior Court of the county of such employer's residence, or principal place of business

Right of appeal.

if a corporation: *Provided, however,* That such court shall not receive any evidence or testimony other than, or in addition to, that offered before the joint board or included in the record filed by the Department.

Evidence on appeal limited.

SEC. 2. That section 5, chapter 28, Laws of 1917, as amended by section 2, chapter 129, Laws of 1919, section 11, chapter 182, Laws of 1921 and section 9, chapter 136, Laws of 1923 (sec. 7714, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 5. Upon the occurrence, after June 30, 1923, of any injury to a workman entitled to compensation under the provisions of said sections 7673 to 7796, 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:

Medical and surgical aid.

In the case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the accident fund, 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 the monthly allowance 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 shall have 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

Limitation of duration.

deemed by the Supervisor of Industrial Insurance to be necessary to his more complete recovery. In order to authorize such continued treatment in any case the written order of the Supervisor of Industrial Insurance issued in advance of the continuation shall be necessary. The Director of Labor and Industries 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.

Require-
ments for
first aid.

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 co-operate 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 the provisions of sections 7734 and 7736. 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 covered by this act

Employer
shall furnish
transporta-
tion.

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 which 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 out 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, however,* That such employee may at his option decline to give any or all of the information hereinabove provided for. Every workman whose injury shall result in the loss of one or more limbs or eyes, shall be once provided with proper artificial substitutes to be purchased by the Department at the expense of the accident fund. Every workman, who shall suffer a penetrating wound 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 corrected result. Every workman, whose accident shall result 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. 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 once 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 subdivision (1) of section 7679, shall nevertheless receive during the omitted period medical, surgical

Records of
workmen.

Employee
may decline
information.

Artificial
substitutes
to be
provided.

and hospital care and service and transportation under the provisions of this section.

Passed the House February 8, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 187.

[H. B. 134.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies, prohibiting the purchase or acquisition by a bank or trust company of its own stock, save under certain conditions; authorizing loans or discounts on the security of the capital stock of other banks or trust companies with restrictions thereon; amending section 36, chapter 80 of the Laws of 1917, as amended by section 5, chapter 72 of the Laws of 1929, as amended by section 9, chapter 42 of the Laws of 1933 (section 3243 of Remington's Revised Statutes).

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

Amendments. SECTION 1. That section 36, chapter 80 of the Laws of 1917, as amended by section 5, chapter 72 of the Laws of 1929, as amended by section 9, chapter 42 of the Laws of 1933 (section 3243 of Remington's Revised Statutes), be amended to read as follows:

Stock
personal
property.

Bank stock
net security.

Section 36. The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a Federal Reserve Bank of which such corporation shall become a member.

and then only to the extent required by such Federal Reserve Bank: *Provided*, That any such bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition; nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation.

Exception.

Loans on
stock of
other banks.

Passed the House February 15, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 188.

[H. B. 258.]

JURORS' FEES.

AN ACT relating to jurors; prescribing a schedule of fees therefor; and amending section 4229 of Remington's Revised Statutes.

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

Amendments. SECTION 1. That section 4229 of Remington's Revised Statutes is amended to read as follows:

Juror fees fixed. SECTION 4229. Each grand and petit juror shall receive for each day's attendance upon the Superior Court, beside mileage, five dollars.

For each day's attendance upon a Justice of the Peace

Court	\$1.00
For serving on a Coroner's jury, per day.....	1.00 •
Mileage, each way, per mile.....	.10

Proviso. *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, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 189.

[H. B. 290.]

DEFICIENCY APPROPRIATION FOR STATE AUDITOR.

AN ACT making a deficiency appropriation to the State Auditor for salaries, wages and operations for the biennium ending March 31, 1943; and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriations made by the Twenty-Seventh Regular Session of the Legislature, there is hereby appropriated from the General Fund of the State of Washington the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary for the use of the State Auditor in the payment of salaries, wages and operations for the biennium ending March 31, 1943.

Deficiency appropriation.

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

Effective immediately.

Passed the House February 25, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 190.

[H. B. 300.]

PUBLIC HEALTH.

AN ACT relating to public health; authorizing the counties and cities to establish Public Health Pooling Funds and providing for the administration of the same.

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

Pooling
fund
authorized.

SECTION 1. Any county or city is hereby authorized and empowered to create a "Public Health Pooling Fund," hereafter called the "fund," for the efficient management and control of all moneys coming to such county or city for public health purposes.

Allocations
to fund.

SEC. 2. Any such fund shall be established in the County Treasurer's office or the City Treasurer's office as the case may be. Into any such fund so established shall be paid:

- (1) All grants from any state fund for county public health work;
- (2) All county funds collected by county levy as set forth in section 1, chapter 191, Laws of 1939;
- (3) Any county current expense funds appropriated for the health department;
- (4) Any other money appropriated by the county for health work;
- (5) City funds appropriated for the health department;
- (6) All public school district funds appropriated for public health, nursing or for the health department within a county or city as the case may be;
- (7) All moneys received from any governmental agency, local, state or Federal which may contribute to the local health department; and
- (8) Any contributions from any charitable or voluntary agency or contributions from any individual or estate.

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

Disbursement.

SEC. 4. Any fund established as herein provided shall be expended so as to make the expenditures thereof agree with any respective appropriation period. Any accumulation in any such fund so established shall be taken into consideration when preparing any budget for the operations for the ensuing year.

Budget period.

SEC. 5. The Public Health Pool Fund shall be subject to audit by the Division of Departmental Audits and shall be subject to check by the State Department of Health.

Subject to audit.

Passed the House February 27, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 191.

[H. B. 66.]

NATIONAL DEFENSE.

AN ACT relating to and in aid of national defense, providing penalties for violations thereof, prescribing the period of effectiveness thereof, amending sections 3, 4, 6, 7 and 10 of chapter 200 of the Laws of 1941, and declaring an emergency.

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

Amendments. SECTION 1. That section 3 of chapter 200 of the Laws of 1941 (section 8607-9 of Remington's Revised Statutes) be amended to read as follows:

Governor may designate. Section 3. The Governor of the State of Washington is hereby empowered, after conferring with military authorities to designate the State of Washington, or any portion or portions thereof, as a protective defense area or areas, with full authority to prescribe such regulations and restrictions not inconsistent with the provisions of this act as he deems necessary and proper for carrying out its purposes: Existing restrictions validated. *Provided*, That until nullified by executive action, existing regulations and restrictions heretofore made by the Governor are hereby validated and continued in full force and effect.

Amendments. SEC. 2. That section 4 of chapter 200 of the Laws of 1941 (section 8607-10 of Remington's Revised Statutes) be amended to read as follows:

Acts forbidden in area without permit. Section 4. No person, unless possessing competent, responsible, military authority, shall, without registering and obtaining a permit from the Washington State Patrol, photograph, sketch, map, reproduce, or make notes or memoranda of, or pertaining to, national defense works, articles, materials, ships, aircraft, implements of war, personnel or activities nor shall any person without said authority, have, possess, use, or control any such

photograph, negative, film, plates, sketch, map, plan or other representation.

SEC. 3. That section 6 of chapter 200 of the Laws of 1941 (section 8607-12 of Remington's Revised Statutes) be amended to read as follows: Amendment.

Section 6. No person, unless possessing competent, responsible, military authority shall, within a protective defense area, without the authority of the Governor of the State of Washington, or his duly authorized agent, possess or use any code or cipher; use or have on or about the person any camera or other photographic equipment, telescope, or binoculars, or use or operate any radio transmitting set. Certain equipment forbidden in areas.

SEC. 4. That section 7 of chapter 200 of the Laws of 1941 (section 8607-13 of Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 7. Any violation of this act shall constitute a felony, and shall be punishable by imprisonment in the State Penitentiary for not more than ten years, or by a fine of not more than \$10,000, or by both. Penalty.

SEC. 5. That section 10 of chapter 200 of the Laws of 1941 (section 8607-15 of Remington's Revised Statutes) be amended to read as follows: Amendment.

Section 10. This act is necessary for the immediate preservation of the public peace and safety, and shall take effect immediately and shall remain in force until the end of the first legislative session after the termination of the existing war by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased or that the emergency justification of extraordinary war-time powers no longer exists. Effective immediately.

Termination.

Passed the House March 5, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 192.

[H. B. 68.]

MINIMUM WAGE FOR WOMEN AND MINORS.

AN ACT relating to minimum wages for women and minors and amending section 12, chapter 174, Laws of 1913 (sec. 7631, Rem. Rev. Stat.).

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

Amendments. SECTION 1. That section 12, chapter 174, Laws of 1913 (sec. 7631, Rem. Rev. Stat.) be amended to read as follows:

Orders may be amended. SECTION 12. Whenever wages or standard conditions of labor have been established by original order, upon petition of either employers or employees, the Commission may at its discretion reopen the question by calling a public hearing, and may on its own motion amend the original order upon proper showing at said hearing and in harmony with the testimony and facts adduced therein.

Passed the House February 23, 1943.

Passed Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 193.

[H. B. 4.]

WILLS.

AN ACT relating to the making of wills, prescribing the qualifications of testators, amending section 24, chapter 156, Laws of 1917 (section 1394, Remington's Revised Statutes; section 10021, Pierce's Code), validating wills heretofore executed which comply with this act, declaring an emergency and providing that this act take effect immediately.

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

SECTION 1. That section 24, chapter 156, Laws of 1917 (section 1394, Remington's Revised Statutes; section 10021, Pierce's Code) be amended to read as follows: Amendments.

Section 24. The following persons of sound mind may, by last will, devise all his or her estate, both real and personal: Who may make wills.

1. Any person who has attained the age of majority.

2. Any person who has legally married, and has attained the age of eighteen (18) years.

3. Any person who has attained the age of eighteen (18) years and is actively engaged with the armed forces of the United States or employed on a vessel of the United States Merchant Marine.

All wills executed subsequent to September 16, 1940, and which meet the requirements of this act are hereby validated and shall have all the force and effect of wills executed subsequent to the taking effect of this act. Validating.

SEC. 2. This act is necessary for the immediate preservation of the public safety and welfare by reason of an existing emergency and shall take effect immediately. Effective immediately.

Passed the House January 27, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 194.

[S. H. B. 7.]

MOTOR VEHICLE LICENSE FEES.

AN ACT relating to motor vehicles; and providing for the payment of license fees based on gross weight of motor trucks, and certain seat fees on for-hire vehicles, buses and auto stages on a reduced basis in accordance with portion of year licenses.

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

Fees for
part year
licenses.

SECTION 1. Whenever any person, firm or corporation applies for a license on a motor truck, for-hire vehicle, bus or auto stage subsequent to March 31 of any calendar year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon motor vehicles above described licensed in this state for the first time after March 31 of any year, but before July 1, the license fees imposed by this section for such year shall be reduced by one-fourth ($\frac{1}{4}$) thereof; upon vehicles licensed in this state after June 30 of any year, but before October 1, the license fees shall be reduced by one-half ($\frac{1}{2}$) thereof; and upon vehicles licensed in this state after September 30 of any year the license fees shall be reduced by three-fourths ($\frac{3}{4}$) thereof: *Provided*, That such reductions shall not apply to special permits.

Passed the House March 3, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 195.

[H. B. 10.]

COUNTY LAW LIBRARIES.

AN ACT relating to County Law Libraries in counties of the first, second, third, fourth, fifth and sixth classes; providing for their establishment, creating a fund for the maintenance thereof, and amending sections 1 and 3, chapter 94, Laws of 1925, Extraordinary Session, as amended by sections 1 and 2, chapter 167, Laws of 1933 (sections 8254-1 and 8254-3 of Remington's Revised Statutes; sections 5512-9 and 5512-11 of Pierce's Code); and amending chapter 94, Laws of 1925 Extraordinary Session, as amended by chapter 167, Laws of 1933, by adding thereto a new section to be known as section 8254-9.

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

SECTION 1. Section 1, chapter 94, Laws of 1925, Extraordinary Session, as amended by section 1, chapter 167, Laws of 1933 (section 8254-1 of Remington's Revised Statutes; section 5512-9 of Pierce's Code), is amended to read as follows: Amendments.

Section 1. In each county of the first, second, third, fourth, fifth, and sixth classes there shall be a County Law Library which shall be governed and maintained as hereinafter provided. County law library.

SEC. 2. Chapter 94, Laws of 1925 Extraordinary Session, as amended by chapter 167, Laws of 1933, by adding thereto a new section to be known as section 8254-9, which shall read as follows: Amendment by adding new section.

Section 8254-9. Every person when initiating a probate proceeding and when obtaining the entry of a final decree therein shall pay a fee of one dollar (\$1) to the Clerk in each instance in addition to all other fees required by law. The Clerk shall account for the fees so paid and shall cease to collect such fees according to the provisions relating thereto under section 3 of this act (section 8254-3, Reming- Additional probate fees.

ton's Revised Statutes; section 5512-11, Pierce's Code).

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 196.

[H. B. 30.]

REPEALING CERTAIN STATUTES.

AN ACT relating to official compilations of statutes and repealing chapter 67, Laws of 1899; chapter 7, Laws of 1911; chapter 100, Laws of 1911; chapter 95, Laws of 1913; chapter 5, Laws of 1915; chapter 34, Laws of 1917; chapter 104, Laws of 1919; chapter 10, Laws of 1921; chapter 5, Laws of 1923; chapter 6, Laws of 1923; chapter 236, Laws of 1927; chapter 237, Laws of 1927; chapter 195, Laws of 1929.

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

Repeals.

SECTION 1. Chapter 67, Laws of 1899; chapter 7, Laws of 1911; chapter 100, Laws of 1911; chapter 95, Laws of 1913; chapter 5, Laws of 1915; chapter 34, Laws of 1917; chapter 104, Laws of 1919; chapter 10, Laws of 1921; chapter 5, Laws of 1923; chapter 6, Laws of 1923; chapter 236, Laws of 1927; chapter 237, Laws of 1927; chapter 195, Laws of 1929, (section 151 to and including section 152-22, Remington's Revised Statutes; section 1350 to and including section 1350-13 and section 1355 to and including section 1365-7, Pierce's Code) are repealed.

Passed the House January 28, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 197.

[H. B. 41.]

EMERGENCY HEALTH AND SANITATION AREAS.

AN ACT providing for the establishment of special emergency health and sanitation areas for the protection of public health during the existing state of war, and prescribing penalties.

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

SECTION 1. *Establishment of Emergency Health and Sanitation Areas.* Upon the recommendation of the State Board of Health, the Governor may designate as a special emergency health and sanitation area, any area or areas within this state which have been seriously damaged by air raids or other catastrophe, or in which, in the Governor's opinion, the existence of any military or naval establishment of the United States, or of any industrial establishment constructed or enlarged for purposes of national defense has caused an increase in the population of such area to such an extent as to produce unusual problems of health and sanitation.

Governor
may
designate.

SEC. 2. *Rules and Regulations by Local Health Boards.* Whenever a special emergency health and sanitation area is established, it shall be the duty of the local health board or boards of the territory within such area to make and enforce rules and regulations designed to prevent the introduction or spreading of any contagious or infectious disease and to safeguard the public health within the area.

Boards to
make and
enforce rules.

SEC. 3. *Rules and Regulations by State Board of Health.* In the event that the local health board of the territory within such area is unable or fails to make or enforce adequate rules and regulations for the protection of the public health within special

State board
may assume.

emergency health and sanitation areas established within its jurisdiction, as herein provided, the State Board of Health is hereby authorized, empowered and directed to make and enforce such rules and regulations for the protection of the public health within such area as may be necessary, and for this purpose it may assume all of the powers and authority of local health boards.

Local board
may ask
protection.

SEC. 4. *Request for Protection.* Any local health board having jurisdiction in the territory within which such special emergency health and sanitation area has been established, or the governing body of any political subdivision therein, may, by application in writing, request the State Board of Health to undertake the protection of such area and in such event the State Board of Health may make and enforce reasonable rules and regulations respecting health and sanitation in such area, and shall have all the powers and authority of the local health boards.

Cooperation
directed.

SEC. 5. *Cooperation With Federal and Other Health Agencies.* The State Board of Health is hereby directed to cooperate with health agencies of this and other states and the Federal health agencies in carrying out the provisions of state and Federal health and sanitation programs in conformity with the purposes of this act.

Penalty.

SEC. 6. Any person violating any order, rule or regulation promulgated pursuant to this act, shall, upon conviction thereof, be guilty of a misdemeanor.

Effective im-
mediately.

SEC. 7. *Effective Date; Termination.* This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force for the duration of the existing war and for six months after termination thereof by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased

Termination.

or that the emergency in justification of extraordinary war-time powers no longer exists.

Passed the House February 10, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 198.

[H. B. 57.]

FILING OF CANDIDATES WITH SIMILAR NAMES.

AN ACT prohibiting the filing of persons with intent to mislead and confuse the electors, of fictitious and non-existing persons for public office; prescribing a procedure for registering objections; and providing for civil and criminal penalties for violations thereof.

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

SECTION 1. When two or more persons shall file for the same office in any primary election whose surnames are so similar in sound or spelling as to be confusing to the electors, the Secretary of State, County Auditor, City Clerk or any other public officer with whom declarations of candidates are filed, shall, on his own initiative, or upon the request of any of the candidates for the same office, as hereinafter provided, print on the ballot immediately after the surname of the candidates having similar surnames the profession, business, trade, occupation or such other designation as may be required for the definite identification of each, as follows:

George Jones (Grocer)

G. A. Jones (Laborer)

Provided, That if one of such candidates shall be the incumbent seeking reelection, immediately before his name shall be printed the word "Incumbent"; and there shall be printed before the name of the other candidate having a similar surname the word "Op-

Filing officer may add identifying designation.

Form of designation.

Proviso.

ponent", and following his name a word descriptive of his occupation, which, for the purpose of illustration, can be printed in the following form:

"Incumbent"—George Jones

"Opponent"—G. A. Jones (Laborer)

Certain
filings
prohibited.

SEC. 2. No person shall file a declaration of candidacy for any public office of

- (a) a non-existent or fictitious person; or
- (b) the name of any person not his true name; or
- (c) a name similar to the incumbent seeking reelection to the same office with intent to confuse and mislead the electors by taking advantage of the public reputation of the incumbent; or
- (d) a surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed.

Penalty.

SEC. 3. Any person violating this act shall be guilty of a felony.

Candidate
may request
meeting.

SEC. 4. Any candidate who believes that the electors will be misled or confused by the candidacy of any person who has filed for the same office, as provided in section (1) and (2) of this act, shall, not more than three (3) days after the time for the filings has expired, present in writing to the filing officer, the Secretary of State, County Auditor, City Clerk, as the case may be, a written request that a meeting of all the candidates be held immediately for the purpose of eliminating the confusion. The written request shall state the objections of the candidate. The filing officer within two days following the receipt of such request shall mail a copy thereof to each candidate for the same office at the address set forth in the declaration of the candidate and shall notify each candidate to be present at a meeting to be held in his office on a day and hour certain to be stated in the notice, which hearing shall

Notice by
filing officer.

take place not more than five (5) days after the receipt of such request.

Time of Hearing.

Sec. 5. At the meeting to be held by the filing officer, he shall hear all objections to candidates, names and designations of candidates and shall pass upon all matters which may come before him pertaining to the enforcement of this act. If any candidate shall not respond to the notice of the meeting, or if the filing officer shall be satisfied that the candidate is a fictitious or non-existent person or that the declaration of candidacy was not filed in the true name of the person, the candidacy of such person shall be cancelled and shall not be printed on the ballot. The filing officer shall decide all objections according to the facts and his rulings shall be final, unless ordered otherwise by a court of competent jurisdiction.

Procedure at hearing.

Grounds for cancellation.

Rulings final.

Sec. 6. Any person who shall with intent mislead or confuse the electors by conspiring with another person having a surname similar to an incumbent seeking re-election to the same office, or having a surname similar to an opponent for the same office whose political reputation has been well established, by persuading such other person to file for such office with no intention of being elected, but to defeat the incumbent or the well known opponent, shall be guilty of a felony. In addition thereto such person or persons shall be subject to a suit for civil damages the amount of which shall not exceed the salary which the injured person would have received had he been elected or reelected.

Conspiracy prohibited.

Penalty.

Civil damages.

Passed the House February 27, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 199.

[H. B. 243.]

COUNTY COMMISSIONERS.

AN ACT relating to County Commissioners; authorizing such Commissioners to promulgate regulations and providing penalties for the violation thereof; and amending section 2673, Code of Washington Territory 1881 (section 4056, Remington's Revised Statutes; section 1664 Pierce's Code).

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

Amendments

SECTION 1. Section 2673, Code of Washington Territory 1881 (section 4056, Remington's Revised Statutes; section 1664 Pierce's Code), is amended to read as follows:

Powers and duties of county commissioners.

Section 2673. *General powers and duties.* The several Boards of County Commissioners are authorized and required:

1. To provide for the erection and repairing of court houses, jails and other necessary public buildings for the use of the county;

2. To lay out, discontinue or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within the limits of incorporated cities and towns, whereby the terms of the acts of incorporation, jurisdiction over the roads in the limits of said incorporations is vested in the corporate authorities thereof;

3. To license and fix the rates of ferriage; to grant grocery and other licenses authorized by law to be by them granted;

4. To fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

5. To allow all accounts legally chargeable against such county not otherwise provided for, and to audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

6. To have the care of the county property and the management of the county funds and business, and in the name of the county to prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law.

7. To make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and provide that any violation of such regulations, ordinances, or resolutions shall constitute a misdemeanor.

Passed the House March 1, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 200.

[H. B. 280.]

WASHINGTON STATE WAR COUNCIL.

AN ACT creating the Washington State War Council; declaring the policy of the legislature; providing for the control and regulation of the movement and activities of civilians; providing for the promulgation of rules, regulations, orders and directives by the Washington State War Council to meet specified contingencies relating to the national and state defense; providing for the enforcement of said rules, regulations, orders and directives by governing bodies of local political subdivisions and governmental agencies and personnel; defining the powers and duties of the Washington State War Council; providing for the preparation of rules, regulations, orders and directives by the Washington State War Council relative to evacuation, mobilization of civilian manpower, blackouts and/or radio silences, matters relating to transportation of persons, materials and supplies, programs of civilian training of air raid wardens, fire wardens, demolition squads, first aid and other necessary civilian defense personnel, prevention and suppression of disease or epidemics, systems of staggered hours of employment, and maximum rates of speed of motor vehicles; providing for the taking or damaging of property and the payment of compensation therefor; appropriating funds for the carrying out of this act; defining crimes; prescribing the period during which the act shall be in effect; and declaring an emergency.

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

Title of act. SECTION 1. This act may be cited as the "Washington State War Council Act."

Declaration of policy. SEC. 2. It is hereby declared to be the policy of the legislature that by reason of the present war and conditions resulting therefrom and in the interests of the defense of this state and of the United States, it is necessary to effectively co-operate with the United States government and all of the agencies thereof which are engaged in the prosecution of said war, and provide for the protection of the life, safety and health of the people of this state during said war, and assist in the maintenance of uninterrupted

production and transportation of vital war materials, and fully utilize the resources of the state, and to that end it is necessary that the actions and movements of the civilian population be controlled, restricted and regulated. Therefore, it is necessary that said Council be empowered to make, amend and rescind rules and regulations to carry out the provisions of this act.

SEC. 3. There is hereby created the Washington State War Council, to consist of three members, as follows: The Governor of the State of Washington, who shall act as chairman, the Lieutenant Governor and the Insurance Commissioner. The office of the Washington State War Council shall be located at Olympia, Washington, and its official title and address shall be, "Washington State War Council, care of The Secretary of State, Olympia, Washington." All rules, regulations, orders and directives issued pursuant to this act shall be in the name of "The Washington State War Council."

War council created.

SEC. 4. That the contingencies and happenings within the contemplation of this act are: Threatened or actual invasion; bombing; actual or attempted air raids of enemy powers; fires; floods; epidemics or disease; destruction of public buildings, war plants, strategic bridges or other buildings and places essential to proper prosecution of the war effort by sabotage or otherwise, grave danger to the life, health and safety of the people of the State of Washington as evidenced by the promulgation of orders and directives of the United States government, the Department of Justice, the United States military or naval forces or other armed forces of the United States regarding blackouts, radio silences, traffic control over any street, road or highway in the State of Washington, mobilization of civilians, evacuations, or any other matter concerning the protection of military and/or civilian lives, property and interests in the State of Washington.

Contingencies anticipated.

When council
may act.

SEC. 5. The movements and activities of the civilian population of this state shall be controlled, restricted and regulated to effect the public safety, the preservation and protection of life and property and the efficient application of the resources of this state toward the prosecution of the war and the defense of the state and nation, and to that end said Council, upon the happening of the specified contingencies, shall proceed in accordance with the powers herein enumerated and issue all necessary rules, regulations, orders and directives in order to make said powers effective.

Rules and
orders.
How made.

SEC. 6. Upon the happening of any one of the specified contingencies, the Washington State Council shall be empowered to immediately put into effect rules, regulations, orders and directives to meet such situation or condition in an orderly and efficient manner. A copy therefore shall be filed in the office of the Secretary of State or if promulgated by a political subdivision of the state or any agency thereof, it shall be filed in the office of the clerk of the governing body of the political subdivision for which the same has been promulgated. All local political subdivisions and/or agencies of the state, and including the civilian population of the area involved, shall be required to observe and follow the rules, regulations, orders and directives so laid down to the same extent and effect as they would be required to observe and follow any law of the State of Washington or political subdivision thereof. The said rules, regulations, orders and directives of the Washington State War Council shall be carried out and enforced by the governing bodies of the local political subdivisions of the state in such manner and within such area as the said Washington State War Council shall designate, and in the event such governing body or bodies are unable to effectively carry out and enforce said rules, regulations, orders and directives, the Washington State War Council

Filing.

Rules have
effect of
law.

Enforcement.

may direct the enforcement of such rules, regulations, orders and directives by and through any governmental agency or personnel, notwithstanding any provision of existing law.

SEC. 7. The Washington State War Council is hereby empowered to issue rules, regulations, orders and directives for the regulation and control of the movement and activities of all civilians within this state for the purpose of providing for orderly evacuation of any area or areas affected by the occurrence of any of the specific contingencies enumerated in section 4 hereof; the mobilization of civilian manpower in said affected area or areas; the adoption of a system or systems for the synchronization of inter-related blackouts and/or radio silences; the preparation of maps showing alternate routes over which traffic may be directed so as to permit as nearly as possible uninterrupted transportation of persons, materials and supplies to and around the affected areas with the least possible interference with existing transportation routes and facilities; the working out of schedules with regular transportation systems, including but not limited to railroads, steamship lines, air lines, and bus companies, so that the isolation of any area or areas of the state by reason of enemy attack or other contingency as enumerated herein shall not cripple or seriously impair the transportation facilities offered to the remainder of the state; to set up and adopt a program of civilian training in collaboration with the governing bodies of the local political subdivisions of the state for the purpose of training air raid wardens, fire wardens, demolition squads, first aid and other necessary civilian defense personnel; the collaboration with the health officers or authorities of the local political subdivisions and the adoption and promulgation of regulations for the prevention and/or suppression of disease or epidemics caused by unsanitary conditions existing in over-crowded

Civilian
evacuation.

Mobilization
of manpower.

Blackouts.

Traffic
maps.

Transporta-
tion
schedules.

Civilian
training
program.

Health
protection.

Staggered hours of employment.	<p>defense plant areas or by one of the other enumerated contingencies in section 4 hereof; the establishment of a system of staggered hours of employment in congested areas as a means of facilitating the transportation of persons to and from their places of employment; the prescribing of the maximum rates of speed at which any motor vehicle may be operated upon any street, road or highway in this state: <i>Provided, however,</i> That no action, order, rule or regulation of the Washington State War Council shall be contrary to or inconsistent with any action, order, rule or regulation of the armed forces of the United States or of the United States government, and: <i>Provided, further,</i> That said Washington State War Council shall not, except in the event of grave emergency, exercise the powers herein conferred in such way as to supersede existing agencies engaged in the same or similar activities.</p>
Maximum speed limits.	
U. S. rules controlling.	
Limitation.	
War powers enumerated.	
Cooperate with other agencies.	<p>SEC. 8. The War Council shall have the following powers, functions and duties:</p>
Direct certain war activities.	<p>(a) To cooperate with any and all Federal departments, agencies and independent establishments and the officers and employees thereof charged with responsibilities relating to the war effort or the defense of the nation; the officers and agencies of other states in matters pertaining to the war and the common defense of the state and nation; the political subdivisions and local defense councils and agencies of this state; and private agencies engaged in activities essential to the war effort and civilian defense;</p> <p>(b) To prescribe and direct activities, to the extent related to the war effort, in connection with the following: Salvage and prevention of waste of strategic materials; health and medical care; nutrition, housing, including the use of existing public and private facilities; education and training of civilian defense workers; recreation and recreational facilities for industrial workers and members of the</p>

armed forces, financed by Federal funds; and sale of war bonds and stamps;

(c) To provide for the recruitment, qualifications, training, equipment, powers and duties of all persons engaged in civilian defense activities; Provide for civilian defense.

(d) To require and direct the cooperation and assistance of state and local governmental agencies and officials; Require co-operation.

(e) To make, amend and rescind such orders, rules and regulations as it may deem advisable in order to carry out the provisions of this act. Make and rescind rules.

SEC. 9. (a) Local councils of defense shall cooperate with and assist the War Council, and shall perform such services as may be requested by said War Council. Local councils may act jointly with other such councils. Duties of local war councils.

(b) In order to achieve the most effective use of the services and equipment of all political subdivisions of the state, throughout the state, each political subdivision is hereby authorized and empowered to negotiate reciprocal aid agreements with other political subdivisions of the state with respect to the furnishing of services, equipment, supplies and facilities for the purpose of rendering aid in case of disaster, including any occasioned by air raid or other form of enemy attack. Make reciprocal agreements.

SEC. 10. (a) The Council shall report to the legislature at its next session the proceedings taken by it pursuant to this act and shall transmit at the same time to the legislature copies of all orders so promulgated by it. Report to legislature.

(b) No order, rule or regulation shall be made, amended or rescinded by the War Council under the provisions of this act except with the unanimous consent of the members thereof. Unanimous vote required.

SEC. 11. Every person who violates any provision of this act, or any rule, regulation, order or directive Penalty.

issued by the Washington State War Council, shall be guilty of a misdemeanor.

Saving clause.

SEC. 12. 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.

Effective immediately.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and shall remain in force until after the convening of the next regular or special session of the legislature.

Termination.

Passed the House March 11, 1943.

Passed the Senate March 11, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 201.

[H. B. 390.]

PUBLIC HIGHWAYS AND FERRIES.

AN ACT relating to public highways and ferries; making appropriations therefor from the Motor Vehicle Fund, the Highway Equipment Fund and the Highway Safety Fund; and declaring an emergency and that this act shall take effect April 1, 1943.

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

Appropriation:
Federal Aid revolving fund.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1945, the sum of ten million dollars (\$10,000,000) as a revolving fund to be expended under specific project agreements, executed or to be executed under the provisions of the Federal Aid Road Act and the state Act assenting

thereto, and for any other expenditures for highway purposes for which reimbursement of any kind is anticipated.

SEC. 2. There is hereby appropriated from the Highway Equipment Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1945, the sum of three million nine hundred eighty-five thousand five hundred dollars (\$3,985,500) to continue the Highway Equipment Revolving Fund and for proper expenditures therefrom.

Appropriation:
Highway equipment revolving fund.

SEC. 3. There is hereby appropriated from the Highway Safety Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1945, the sum of five hundred five thousand sixty-five dollars (\$505,065) to be expended for salaries, wages, operations, capital outlay and other proper expenditures for safety and vehicle safety inspection.

Appropriation:
Safety inspection.

SEC. 4. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1945, the sum of sixty-eight thousand seven hundred thirty dollars (\$68,730) to be expended for the purpose of examining the expenditures of state aid money allotted to incorporated cities and towns and to counties.

Appropriation:
Supervision of cities, towns and counties.

SEC. 5. There is hereby appropriated from the Motor Vehicle Fund to incorporated cities and towns for the biennium ending March 31, 1945, the sum of seven million five hundred thousand dollars (\$7,500,000), or so much thereof as shall become available, including all unexpended and unobligated funds which have accrued to the credit of the cities and towns as of March 31, 1943, to be paid out and expended in the manner provided by law.

Appropriation:
Cities and towns.

SEC. 6. There is hereby appropriated from the Motor Vehicle Fund to the various counties of the

Appropriation:
Counties.

state, including the counties composed entirely of islands, for the biennium ending March 31, 1945, the sum of sixteen million one hundred thousand dollars (\$16,100,000), or so much thereof as shall become available, including all unexpended and unobligated funds which have accrued to the credit of counties as of March 31, 1943, to be paid out and expended in the manner provided by law.

Appropriation:
Mine-to-market roads.

SEC. 7. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1945, the sum of three hundred sixteen thousand, two hundred forty dollars (\$316,240) for establishment, location and construction of mine-to-market roads and for obligations incurred in previous bienniums but not yet paid.

Appropriation:
Aids to National defense.

SEC. 8. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways, for the biennium ending March 31, 1945, the sum of one hundred thousand dollars (\$100,000) to be expended for non-reimbursable items on Federal cooperative projects, including flight strip projects, access road projects and strategic highway projects on the route of a highway not forming a part of the state highway system but which has been approved by an agency of the Federal government as necessary to National Defense.

Appropriation:
Surveys, etc.

SEC. 9. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways, for the biennium ending March 31, 1945, the sum of one hundred thousand dollars (\$100,000) to be expended for investigations, studies and surveys for potential additions to, extensions or alterations of, the present primary state highway system.

Appropriation:
S. H. R. No. 1.

SEC. 10. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways

to be expended by the Director of Highways, for the biennium ending March 31, 1945, the sum of seven thousand dollars (\$7,000) for the maintenance of State Historical Road No. 1, established under chapter 225, Laws of 1941, outside the corporate limits of Tacoma and Puyallup.

SEC. 11. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways, for the biennium ending March 31, 1945, and for obligations incurred in previous bienniums but not yet paid, the sum of twenty-five million four hundred forty-four thousand nine hundred eighty-seven dollars (\$25,444,987) to be expended as may be necessary to secure participation of Federal funds and for any and all other proper state highway purposes not specifically set forth in the preceding sections of this act. There may be expended by the Director of Highways from the appropriation made in this section such sum or sums as may be essential for the improvement of any road or roads which in his opinion may be eligible for inclusion in the ultimate 10% Federal Aid Secondary or Feeder Road System.

Appropriation:
Federal aid projects.

SEC. 12. This act is necessary for the immediate preservation of the public peace and safety, and the support of the state government and its existing public institutions, and shall take effect April 1, 1943.

Effective
April 1, 1943.

Passed the House March 5, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 202.

[H. B. 400.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase and improvement of land, the construction of buildings, and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes, for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945, except as otherwise provided, and declaring that this act shall take effect immediately.

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

Appropriation authorized.

Purposes.

Period.

Definitions: "Capital outlay."

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes herein below designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945, except as otherwise provided.

SEC. 2. The words "capital outlay" whenever used in this act, shall mean and include the purchase

and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

The words "salaries and wages" whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Salaries and Wages."

The word "operations" whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery.

"Operations."

Restriction.

FROM THE GENERAL FUND.

FOR THE GOVERNOR:

Salaries, Wages and Operations.	\$54,000.00	
Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor	18,000.00	
Extradition Expenses (including Deficiencies)	16,000.00	
Auditing Records of the State Auditor	7,500.00	
Total	—————	\$95,500.00

Appropriations itemized. Governor's office.

FOR THE GOVERNOR'S MANSION:

Maintenance, to be distributed on vouchers approved by the Governor		\$12,000.00
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Governor's mansion.

FOR THE LIEUTENANT GOVERNOR:

Salary of the Lieutenant Governor	\$2,400.00	
Other Salaries and Wages.....	1,200.00	
Operations	1,200.00	
Total	—————	\$4,800.00

Lieutenant Governor.

Secretary
of State.

FOR THE SECRETARY OF STATE:

Salaries and Wages.....	\$82,260.00	
Operations	27,345.00	
Checking, Printing, Advertising and Mailing Initiative and Ref- erendum Measures and Consti- tutional Amendments: <i>Pro- vided</i> , That no portion of this appropriation shall be ex- pended for salaries of regular employees or office expenses of the Secretary of State.....	60,000.00	
Bureau of Statistics and Immi- gration:		
Salaries, Wages and Operations	10,000.00	
Total		\$179,605.00

Treasurer.

FOR THE STATE TREASURER:

Salaries and Wages.....	\$86,000.00	
Operations	20,892.00	
Total		\$106,892.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$26,000.00	
Operations	6,983.20	
Total		\$32,983.20

FROM THE FISHERIES FUND.

Salaries and Wages.....	\$19,200.00	
Operations	7,789.58	
Total		\$26,989.58

Auditor.

FROM THE GENERAL FUND.

FOR THE STATE AUDITOR:

Salaries and Wages.....	\$86,640.00	
Operations	15,425.00	
Special Printing	3,750.00	
Total		\$105,815.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$35,000.00	
Operations	8,000.00	
Total		\$43,000.00

FROM THE GENERAL FUND.

Departmental Audits:

Salaries and Wages.....	\$158,280.00	
Operations	41,000.00	
Division of Municipal Corpora- tions:		
Salaries and Wages.....	60,000.00	
Operations	15,000.00	
Total		\$274,260.00

FOR THE ATTORNEY GENERAL:		Attorney General.
Salaries and Wages.....	\$283,300.00	
Operations, Printing Briefs, Court Costs, and Expenses of Litigation in Federal Courts.....	50,000.00	
Total	<u> </u>	\$333,300.00
FROM THE CURRENT SCHOOL FUND.		
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Superintendent of Public Instruction.
Salaries and Wages.....	\$125,000.00	
Operations	54,000.00	
Total	<u> </u>	\$179,000.00
FROM THE GENERAL FUND.		
FOR THE COMMISSIONER OF PUBLIC LANDS:		Commissioner of Public Lands.
Salaries and Wages.....	\$260,080.00	
Operations	84,800.00	
Total	<u> </u>	\$344,880.00
FOR THE INSURANCE COMMISSIONER:		Insurance Commissioner.
Salaries and Wages.....	\$195,000.00	
Operations	60,428.55	
Total	<u> </u>	\$255,428.55
FOR LEGISLATIVE EXPENSE:		Legislative expense.
Printing, Indexing, Binding and Editing Session Laws, Senate and House Journals, Other Legislative Printing, and Binding Public Documents of the Twenty-eighth Session		\$14,563.00
FOR THE SUPREME COURT:		Supreme court.
Salaries and Wages.....	\$225,600.00	
Operations	19,423.00	
Total	<u> </u>	\$245,023.00
FOR THE STATE LAW LIBRARY:		Law library.
Salaries and Wages.....	\$20,790.00	
Operations	19,455.00	
Total	<u> </u>	\$40,245.00
FOR THE JUDICIAL COUNCIL:		Judicial council.
Salaries, Wages and Operations.....		\$3,300.00
FOR THE UNIFORM LAW COMMISSION:		
Operations		\$660.00
FOR THE SUPERIOR COURT JUDGES:		Superior court judges.
Salaries and Wages.....	\$263,000.00	
Expenses, Judges in Joint Districts	6,500.00	
Total	<u> </u>	\$269,500.00
FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		Association of superior court judges.
Operations		\$1,950.00

Judges' retirement fund.	FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of chapter 229, Laws of 1937.....		\$16,200.00
Athletic commission.	FOR THE STATE ATHLETIC COMMISSION: Salaries and Wages..... Operations	\$3,060.00 2,184.50	
	Total.....		\$5,244.50
Board for certification of librarians.	FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS: Operations		\$300.00
Library Commission.	FOR THE STATE LIBRARY COMMISSION: Salaries, Wages and Operations.....		\$64,990.00
Board of Education.	FROM THE CURRENT SCHOOL FUND.		
	FOR THE STATE BOARD OF EDUCATION: Salaries and Wages..... Operations	\$14,000.00 3,000.00	
	Remedial Specialists in State Colleges of Education..... Service Training Program for Teachers	21,000.00 15,000.00	
	Total.....		\$53,000.00
	FROM THE GENERAL FUND.		
	To be expended in accordance with the provisions of chapter 154, Laws of 1935, providing assistance for Blind Students.	\$2,000.00	
	Reorganization of School Districts: Salaries, Wages and Operations	60,000.00	
	Junior College Supervision: Salaries, Wages and Operations	12,000.00	
	To be expended in accordance with the provisions of chapter 146, Laws of 1941, relating to Junior Colleges.....	188,000.00	
	Total.....		\$262,000.00
Board of Vocational Education.	FOR THE STATE BOARD FOR VOCATIONAL EDUCATION: Salaries and Wages..... Operations	\$61,500.00 13,750.00	
	To secure Federal Vocational Rehabilitation Fund (Expenditures not to exceed amounts expended from appropriation for Civilian Vocational Rehabilitation)	88,362.24	
	Total.....		\$163,612.24

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

Board of Vocational Education.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and February 5, 1929, and acts amendatory or supplementary thereto, providing for the promotion and development of vocational education.	\$541,500.14	
To be expended in accordance with the provisions of Act of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation		176,724.48
To be expended in accordance with the provisions of Acts of Congress Public Law 668, chapters 437 and 812, chapter 780—Seventy Sixth Congress, amendatory or supplementary thereto providing for the promotion and development of Vocational Education and training for workers essential to the National Defense and/or other Acts of Congress which may be made available to the State Board for Vocational Education	10,000,000.00	
Total	—————	\$10,718,224.62

FROM THE GENERAL FUND.

FOR THE STATE DEFENSE COUNCIL:		
Salaries, Wages and Operations	\$150,000.00	Defense Council.
FOR THE STATE BOARD OF PHARMACY:		
Salaries and Wages	\$11,560.00	Board of Pharmacy.
Operations	9,840.00	
Total	—————	\$21,400.00

FROM THE PUGET SOUND PILOTAGE FUND.

FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS:		
Salaries and Wages	\$3,360.00	Pilotage Commissioners.
Operations	845.00	
Total	—————	\$4,205.00

	FROM THE GENERAL FUND.		
Board of Prison Terms and Paroles.	FOR THE BOARD OF PRISON, TERMS AND PAROLES:		
	Salaries and Wages.....	\$111,860.00	
	Operations	39,194.32	
	Total.....	<hr/>	\$151,054.32
Finance Committee.	FOR THE STATE FINANCE COMMITTEE:		
	Salaries, Wages and Operations.....		\$13,851.00
Forest Board.	FOR THE STATE FOREST BOARD:		
	Salaries and Wages.....	\$38,800.00	
	Operations	23,500.00	
	Total.....	<hr/>	\$62,300.00
	FROM THE PARKS AND PARKWAY FUND.		
Parks Committee.	FOR THE STATE PARKS COMMITTEE:		
	Salaries, Wages and Operations.....		\$213,655.00
	FROM THE MILLERSYLVANIA PARK CURRENT FUND.		
	Improvement, Maintenance and Upkeep of Millersylvania Park.....		\$400.00
	FROM THE GENERAL FUND.		
Planning Council.	FOR THE WASHINGTON STATE PLAN- NING COUNCIL:		
	Salaries, Wages and Operations.....		\$55,605.00
	FROM THE TEACHERS' RETIREMENT FUND.		
Board of Trustees of Teachers' Retirement System.	FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:		
	Salaries and Wages.....	\$63,360.00	
	Operations	16,919.55	
	For the payment of Annuities, Awards and Refunds as pro- vided by law.....	1,941,400.00	
	Total.....	<hr/>	\$2,021,679.55
	FROM THE GENERAL FUND.		
Progress Commission.	FOR THE WASHINGTON STATE PROG- RESS COMMISSION:		
	Salaries, Wages and Operations.....		\$125,000.00
Department of Agri- culture.	FOR THE DEPARTMENT OF AGRICUL- TURE:		
	Salaries and Wages.....	\$189,370.00	
	Operations	95,130.00	
	Destruction of Predatory Animals	25,500.00	
	Washington State Fair:		
	Salaries, Wages and Operations	8,500.00	
	Total.....	<hr/>	\$318,500.00

FROM THE SEED FUND.

State Seed Inspection:		Department of Agri- culture.
Salaries and Wages.....	\$17,120.00	
Operations	10,880.00	
Total.....	<u>28,000.00</u>	

FROM THE FEED AND FERTILIZER FUND.

Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter col- lected)	\$28,000.00
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FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and Wages.....	\$237,000.00
Operations	30,000.00
Grain Warehouse Inspection:	
Salaries and Wages.....	13,500.00
Operations	10,000.00
(Expenditures not to exceed fees heretofore or hereafter collected)	
Total.....	<u>\$290,500.00</u>

FROM THE COMMISSION MERCHANTS' FUND.

Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter collected)	\$72,500.00
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FROM THE NURSERY INSPECTION FUND.

Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter collected)	\$33,000.00
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF CONSERVA- TION AND DEVELOPMENT:		Department of Con- servation and Develop- ment.
General Office Operations includ- ing Water Pollution Studies and Division of Mines and Mining:		
Salaries, Wages and Operations.....	\$150,000.00	
Division of Forestry:		
Salaries and Wages.....	\$419,640.00	
Operations	85,000.00	
Total.....	<u>\$504,640.00</u>	

FROM THE RECLAMATION REVOLVING FUND.

Department
of Con-
servation
and Develop-
ment.

Reclamation Division:	
Salaries and Wages.....	\$11,550.00
Operations	4,950.00
Natural Resources Surveys...	60,000.00
Columbia Basin Activities:	
Salaries, Wages and Operations	18,390.00
To finance, refinance and pur- chase bonds of irrigation, diking and drainage districts as provided by law.....	100,000.00
(Expenditures from Recla- mation Revolving Fund not to exceed cash on hand and available for expenditure)	
Total.....	\$194,890.00

FROM THE GENERAL FUND.

Department
of Finance,
Budget and
Business.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:	
General Office including Division of Public Institutions and Division of Purchasing:	
Salaries and Wages.....	\$224,800.00
Operations	38,985.00
Division of Banking:	
Salaries and Wages.....	64,720.00
Operations	20,110.00
Division of Budget, Accounts and Control:	
Salaries and Wages.....	144,540.00
Operations	17,570.00
Division of Savings and Loan Associations:	
Salaries and Wages.....	36,170.00
Operations	11,850.00
Capitol Buildings and Grounds:	
Salaries and Wages.....	312,120.00
Operations	181,125.00
Parole, Transportation and De- portation:	
Salaries and Wages.....	58,392.00
Operations	35,020.00
Total.....	\$1,145,402.00

FROM THE CANNERY REVOLVING FUND.

Food Processing Plants:	
Salaries, Wages and Operations.....	\$261,480.00

FROM THE FISHERIES FUND.

FOR THE DEPARTMENT OF FISHERIES:

Department
of Fisheries.

Salaries and Wages.....	\$270,940.00	
Operations	110,236.78	
Biological Research	43,140.00	
Water Pollution Studies	7,500.00	
Total.....	—————	\$431,816.78

FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and Wages.....	\$18,120.00	
Operations	9,315.00	
Total	—————	\$27,435.00

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department
of Game.

Salaries and Wages.....	\$701,380.00	
Operations	591,550.00	
Bounties on Predatory Animals (Including Deficiencies. Ex- penditures not to exceed re- ceipts from sale of big game seals)	100,000.00	
Wild life Restoration and Re- search (Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Fed- eral Government)	100,000.00	
Total.....	—————	\$1,492,930.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:

Department
of Health.

Salaries and Wages.....	\$201,850.00	
Operations	81,595.00	
For Crippled Children's Program:		
Salaries and Wages.....	29,280.00	
Operations and Assistance....	141,940.00	
For Public Health Work (Ex- penditures not to exceed amounts received and credited to General Fund from the Fed- eral Government for Public Health Work)	820,780.00	
For County Public Health Work	94,290.00	
For Stream Pollution Studies...	6,000.00	
Total.....	—————	\$1,375,735.00

Department
of Labor and
Industries.

FOR THE DEPARTMENT OF LABOR AND
INDUSTRIES:

Salaries and Wages.....	\$490,920.00	
Operations	108,022.50	
Safety Division:		
Salaries and Wages.....	72,000.00	
Operations	35,505.00	
Total.....	—————	\$706,447.50

FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$427,080.00	
Operations	71,575.00	
Appeal Costs:		
Salaries and Wages.....	34,380.00	
Operations	37,150.00	
Medical Examination Division:		
Salaries and Wages.....	45,840.00	
Operations	4,131.00	
Safety Division:		
Salaries and Wages.....	93,960.00	
Operations	35,505.00	
Claims and Awards (including Deficiencies)	6,000,000.00	
Total.....	—————	\$6,749,621.00

FROM THE ACCIDENT FUND.

Appeal Costs:		
Salaries and Wages.....	\$34,380.00	
Operations	37,150.00	
Claims and Awards (including Deficiencies)	20,000,000.00	
Total.....	—————	\$20,071,530.00

FROM THE ELECTRICAL LICENSE FUND.

Salaries and Wages.....	\$46,080.00	
Operations	19,512.50	
Total.....	—————	\$65,592.50

FROM THE GENERAL FUND.

Department
of Licenses.

FOR THE DEPARTMENT OF LICENSES:

Salaries and Wages.....	\$106,190.00	
Operations	54,175.00	
Total.....	—————	\$160,365.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$367,300.00	
Operations	262,200.00	
Auditing Fuel Oil and Gas Tax Collections:		
Salaries and Wages.....	\$75,440.00	
Liquid Fuel Tax Refunds.....	2,800,000.00	
Total.....	—————	\$3,504,940.00

FROM THE HIGHWAY SAFETY FUND.

Highway Safety Division:		Department of Licenses.
Salaries and Wages.....	\$109,560.00	
Operations	44,375.00	
Motor Vehicle Safety Responsibility Division:		
Salaries and Wages.....	21,840.00	
Operations	5,700.00	
Total.....	<hr/>	\$181,475.00

FROM THE GENERAL FUND.

FOR THE MILITARY DEPARTMENT:		Military Department.
Salaries and Wages.....	\$286,360.00	
Operations	174,915.00	
Uniform Allowance	17,500.00	
Retained Pay	15,000.00	
Improvement of Armory Site at Olympia	3,500.00	
Total.....	<hr/>	\$497,275.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

FOR THE DEPARTMENT OF PUBLIC SERVICE:		Department of Public Service.
Salaries and Wages.....	\$586,440.00	
Operations	255,068.00	
(Expenditures not to exceed fees heretofore or hereafter collected, but in no event shall any warrant be drawn on the Public Service Revolving Fund in excess of actual cash on deposit in the State Treasury)		
Total.....	<hr/>	\$841,508.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF SOCIAL SECURITY:		Department of Social Security.
General Supervision:		
Salaries and Wages.....	\$600,000.00	
Operations	117,795.00	
Administration:		
Salaries and Wages	2,600,360.00	
Operations	399,105.00	
Division of Old Age Assistance:		
Assistance as provided by law	63,031,000.00	
Medical Care and Appliances..	7,990,000.00	
Division of Public Assistance:		
Assistance as provided by law	8,317,000.00	
To Carry out the Provisions of chapter 216, Laws of 1939..	500,000.00	

Department
of Social
Security.

Division for Children:		
Assistance as provided by law	\$8,355,128.00	
Division for the Blind:		
Assistance as provided by law	1,042,300.00	
Total.....	—————	\$92,952,688.00

FROM THE HIGHWAY SAFETY FUND.

State
Patrol.

FOR THE WASHINGTON STATE PATROL:		
Salaries and Wages.....	\$1,187,150.00	
Operations	460,800.00	
Total.....	—————	\$1,647,950.00

FROM THE MOTOR VEHICLE FUND.

Traffic Control:		
Salaries, Wages and Operations.....		\$202,175.00

FROM THE GENERAL FUND.

Tax
Commission.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:		
Salaries and Wages.....	\$893,520.00	
Operations	202,050.44	
Purchase of Tax Tokens and Cigarette Stamps	61,600.00	
Refunds of Taxes, Costs, Penal- ties, Interest and Redemption of Tokens as provided by chap. 191, Laws of 1933, and chap. 180, Laws of 1935, and all laws amendatory thereto	500,000.00	
Total.....	—————	\$1,657,170.44

FROM THE GENERAL FUND.

Department
of Finance,
Budget and
Business.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		
State School for the Blind:		
Salaries, Wages and Operations.....		\$182,927.00
State School for the Deaf:		
Salaries, Wages and Operations.....		\$220,537.00
Eastern State Custodial School:		
Salaries, Wages and Operations.....		\$951,111.00
Eastern State Hospital:		
Salaries, Wages and Operations.....		\$1,328,780.00
State School for Girls:		
Salaries, Wages and Operations.....		\$140,906.00
Northern State Hospital:		
Salaries, Wages and Operations.....		\$1,318,696.30
Washington State Penitentiary:		
Salaries, Wages and Operations.....		\$1,118,360.50

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:			Department
Salaries, Wages and Operations.....	\$742,969.00		of Finance,
			Budget and
			Business.

FROM THE GENERAL FUND.

Washington State Reformatory:	
Salaries, Wages and Operations.....	\$537,655.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:	
Salaries, Wages and Operations.....	\$111,450.00

FROM THE GENERAL FUND.

State Soldiers' Home and Colony:	
Salaries, Wages and Operations.....	\$255,515.13
State Training School:	
Salaries, Wages and Operations.....	\$275,104.00
Washington Veterans' Home:	
Salaries, Wages and Operations.....	\$423,174.00
Western State Custodial School:	
Salaries, Wages and Operations.....	\$578,791.00
Western State Hospital:	
Salaries, Wages and Operations.....	\$1,854,536.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:			University of
Salaries and Wages.....	\$4,652,367.30		Washington.
Operations	720,182.15		
Total.....		\$5,372,549.45	
For Salaries and Wages of Mem-			
bers of faculty and staff now			
on leave of absence, contingent			
upon their return		\$250,000.00	

FROM THE GENERAL FUND.

Arboretum:	
Salaries and Wages.....	\$28,444.00
Operations	13,256.00
Total.....	\$41,700.00

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASH-			Washington
INGTON:			State College.
Salaries and Wages.....	\$2,110,396.54		
Operations	556,641.50		
Total.....		\$2,667,038.04	
For Agricultural Experiment Sta-			
tions:			
Salaries, Wages and Operations.....		\$473,501.90	

Washington
State College.

Provided, That expenditures herefrom be allocated as follows:

Main Experiment Station, Pullman and Walla Walla.....	\$123,880.00
Western Washington Experiment Station, Puyallup.....	194,105.00
Irrigation Branch Station, Prosser	51,293.60
Tree Fruit Branch Station, Wenatchee	62,153.00
Dry Land Branch Station, Lind	16,800.00
Cranberry-Blueberry Branch Station, Ilwaco	12,370.00
Soil Survey	12,900.00

For Agricultural Extension Work:
Salaries, Wages and Operations..... \$154,842.00

FOR THE STATE COLLEGE OF WASHINGTON:

From the Morrill Fund	\$102,884.00
From the Federal Experiment Station Fund	189,339.00
From the Federal Cooperative Agricultural Extension Fund..	197,474.00

To be expended in accordance with the purposes, terms, provisions and conditions of the respective Acts of Congress for the endowment and granting of money to Agricultural Colleges and Experiment Stations

\$489,697.00

Central
Washington
College of
Education.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:

From the Normal School Current Fund....	\$34,000.00
From the Ellensburg Normal School Fund	\$497,190.00
Salaries and Wages	\$455,600.00
Operations	75,590.00
Total	<hr/> \$531,190.00

Eastern
Washington
College of
Education.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:

From the Normal School
Current Fund....\$34,000.00

From the Cheney Normal School Fund.	\$533,658.80		
Salaries and Wages.....		\$490,585.80	
Operations		77,073.00	
Total			\$567,658.80

Eastern Washington College of Education.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:			
From the Normal School			
Current Fund....	\$34,000.00		
From the Bellingham Normal School Fund	\$534,065.00		
Salaries and Wages		\$483,280.00	
Operations		84,785.00	
Total			\$568,065.00

Western Washington College of Education.

FOR CAPITAL OUTLAYS, MAJOR REPAIRS AND MAINTENANCE:
 To be expended independently of, or in conjunction with funds allocated by the Federal, County or Municipal Governments or Agencies or in conjunction with funds allocated for unemployment relief: *Provided*, That the following appropriations shall become available only upon written approval of the Governor.

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:			
Capital Outlays and Major Repairs		\$88,500.00	

Parks Committee.

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:			
Interior Painting and Alterations		\$10,000.00	

Department of Finance, Budget and Business.

FROM THE CANNERY REVOLVING FUND.

Purchase of Land and Buildings.	\$9,000.00		
Construction and Equipment of Living Quarters		\$30,000.00	

FROM THE FISHERIES FUND.

FOR THE DEPARTMENT OF FISHERIES:			
Capital Outlays and Major Repairs		\$24,800.00	

Department of Fisheries.

FROM THE LEWIS RIVER HATCHERY FUND.

Department of Fisheries.	Capital Outlays and Major Re- pairs	\$3,700.00
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FROM THE GAME FUND.

Department of Game.	FOR THE DEPARTMENT OF GAME: Capital Outlays and Major Re- pairs	\$150,000.00
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FROM THE MOTOR VEHICLE FUND.

State Patrol.	FOR THE WASHINGTON STATE PATROL: Traffic Control: Capital Outlays and Major Re- pairs	\$9,700.00
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FROM THE GENERAL FUND.

Department of Finance, Budget and Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: State School for the Blind: Extension and Alteration of Sewers	\$2,500.00
	State School for the Deaf: Capital Outlays, Major Re- pairs and Betterments.....	\$24,000.00
	Eastern State Custodial School: Capital Outlays, Major Re- pairs and Betterments.....	\$27,000.00
	Eastern State Hospital: Capital Outlays, Major Re- pairs and Betterments.....	\$5,800.00
	Northern State Hospital: Capital Outlays, Major Re- pairs and Betterments.....	\$52,671.25
	Washington State Penitentiary: Capital Outlays, Major Re- pairs and Betterments.....	\$81,919.18

FROM THE PENITENTIARY REVOLVING FUND.

Equipment for Shoe Factory and Tailor Shop	\$19,500.00
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FROM THE GENERAL FUND.

Washington State Reformatory: Capital Outlays, Major Re- pairs and Betterments.....	\$4,500.00
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FROM THE REFORMATORY REVOLVING FUND

Capital Outlays, Major Re- pairs and Betterments.....	\$19,200.00
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FROM THE GENERAL FUND.

State Soldiers' Home and Colony: Improvement and Development of Cemetery	\$1,400.00	Department of Finance, Budget and Business.
State Training School: Replacing Water Mains.....	\$5,000.00	
Western State Custodial School: Installation of Water System.	\$20,000.00	
Western State Hospital: Capital Outlays, Major Re- pairs and Betterments.....	\$35,750.00	

FROM THE UNIVERSITY OF WASHINGTON
BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON: Construction of New Buildings and Equipment and Remodel- ing	\$355,000.00	University of Washington.
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FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

FOR THE STATE COLLEGE OF WASH- INGTON: Equipment and Repairs and Al- terations to Buildings.....	\$123,000.00	Washington State College.
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FROM THE CHENEY NORMAL SCHOOL FUND.

FOR THE EASTERN WASHINGTON COL- LEGE OF EDUCATION: Reroofing Administration Build- ing	\$1,500.00	Eastern Washington College of Education.
Replacement of Power Lawn Mower	\$500.00	

FROM THE GENERAL FUND.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION: Capital Outlays, Major Repairs and Betterments	\$13,997.50	Western Washington College of Education.
Total Capital Outlays and Major Repairs	\$1,118,937.93	

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

For Bond Retirement and Interest.....	\$1,310,500.00	Bond retirement.
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FROM THE GENERAL FUND.

For Court Costs in Insanity Cases (including deficiency)	\$8,000.00	Court costs.
For Criminal Cost Bills (including deficiencies)	\$35,000.00	

FROM THE CURRENT SCHOOL FUND.

Permanent school fund.	To Carry Out the Provisions of Sec. 4935, Remington's Compiled Statutes	\$38,000,000.00
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FROM THE STATE SCHOOL EQUALIZATION FUND.

School equalization.	For Distribution to Counties as provided by Chapters 226 and 228, Laws of 1937, and acts amendatory thereof	\$3,600,000.00
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FROM THE GENERAL FUND.

Budget system. Emergencies.	For the Payment of Warrants Drawn for Emergency Purposes Approved During the Biennium April 1, 1943, to March 31, 1945, Pursuant to Sec. 10, Chapter 9, Laws of 1925, as amended by Sec. 6, Chapter 162, Laws of 1929.....	\$250,000.00
Distribution of Federal funds.	For Distribution of Funds Received under the Federal Act of June 28, 1934, 48 Stat. 1273, Section 10, These Funds to be Distributed to Counties from which Receipts were Derived	\$4,000.00
Firemen's Pension.	For Distribution to "Firemen's Relief and Pension Funds" as provided by Chapter 39, Laws of 1935	\$240,000.00

FROM THE FOREST RESERVE FUND.

Distribution of Federal funds.	For Distribution of Moneys received from the Federal Government from Forest Reserves as provided by Chapter 185, Laws of 1907	\$600,000.00
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FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.

Bond retirement.	For Bond Retirement and Interest.....	\$1,574,630.00
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FROM THE HARBOR IMPROVEMENT FUND.

Harbor improvement.	For Distribution in Accordance with Chapters 168, 169 and 170, Laws of 1913, based on receipts.....	\$135,000.00
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FROM THE GENERAL FUND.

Presidential electors.	For Presidential Electors	\$450.00
Tuberculosis hospitals.	For Tuberculosis Hospitals (including Deficiencies)	\$400,000.00

FROM THE VOLUNTEER FIREMEN'S RELIEF
AND COMPENSATION FUND.

Volunteer
Firemen's
fund.

For Claims, Awards and Other
Expenses Allowed by Law (in-
cluding Deficiencies) \$80,000.00

FROM THE GENERAL FUND.

For the Ladies of the Grand Army
of the Republic Home at Puyal-
lup, Washington (payable quar-
terly) \$3,000.00

Ladies of
G. A. R.
Home.

FOR THE WASHINGTON STATE HIS-
TORICAL SOCIETY:

Historical
Society.

Salaries, Wages, Operations and
Purchase of Asahel Curtis Ex-
hibit \$36,000.00

FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY:

Eastern
Historical
Society.

Salaries and Wages \$6,180.00
Operations 3,820.00
Total \$10,000.00

FOR TRANSFERS:

Transfers:
Teachers'
retirement
fund.

To State Teachers' Retirement
Fund \$1,270,000.00
To State Teachers' Retirement
Pension Reserve Fund 1,000,000.00
To Cannery Revolving Fund.... 125,000.00

Cannery
revolving
fund.

(Transfers to be made from
time to time and in such
amounts as the Governor
shall determine.)
Total Transfers \$2,395,000.00

FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUB-
LIC INSTRUCTION:

Deficiencies:
Superintend-
ent of Public
Instruction.

Deficiency, Salaries and Wages
(to reimburse the General
Fund Account Emergency ap-
proved March 11, 1941) \$855.23

FROM THE GENERAL FUND.

FOR THE COMMISSIONER OF PUBLIC
LANDS:

Land
Commis-
sioner.

Deficiency, Survey and Platting
of Harbor Lines and Tidclands
in the vicinity of Vancouver,
Washington (emergency ap-
proved December 31, 1941) \$2,500.00

Deficiencies: Board of Land Com- missioners.	FOR THE BOARD OF STATE LAND COMMISSIONERS: Deficiency, Salaries, Wages and Operations (Emergencies ap- proved August 6, 1941, Janu- ary 5, 1942, May 25, 1942, and September 17, 1942)	\$10,430.00
Defense Council.	FOR THE STATE DEFENSE COUNCIL: Deficiency, Salaries, Wages and Operations (Emergencies ap- proved August 16, 1941, and June 16, 1942)	\$45,000.00
Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE: Deficiency, Salaries, Wages and Operations (Emergencies ap- proved March 4, 1941, and September 24, 1942)	\$2,684.44
Forest Board.	FOR THE STATE FOREST BOARD: Deficiency, Operations (Emer- gency approved March 31, 1941)	\$130.84
Department of Agri- culture.	FOR THE DEPARTMENT OF AGRICUL- TURE: Deficiency, Destruction of Pred- atory Animals (Emergency approved November 3, 1941)	\$4,297.19
Department of Finance, Budget and Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: Deficiency, Operations (Emer- gency approved November 12, 1942)	\$6,000.00
	Deficiency, Increasing Revolving Fund for Purchase and Distri- bution of Supplies (Emer- gency approved December 31, 1941)	\$15,000.00
	Deficiency, War Damage Insur- ance on State Capitol Build- ings (Emergency approved July 30, 1942)	\$7,200.00
	FROM THE CANNERY REVOLVING FUND.	
	Deficiency, Construction and Equipment, Fish and Meat Cannery (to reimburse the General Fund Account Emer- gency approved September 26, 1941)	\$2,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:	Deficiencies: Department of Health.
Deficiency, Eradication of Plague Caused by Rats (Emergency approved December 16, 1942)	\$10,000.00

FROM THE MOTOR VEHICLE FUND.

FOR THE DEPARTMENT OF HIGHWAYS:	Department of Highways.
Deficiency, Maintenance, His- torical Road No. 1, (to Reim- burse the General Fund Ac- count Emergency approved December 8, 1941)	\$250.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:	Department of Finance, Budget and Business.
Washington State Penitentiary: Deficiency, Purchase of Ma- terials for Prison Wall (Emer- gency approved February 5, 1941)	\$2,691.43

FOR THE WESTERN WASHINGTON COL- LEGE OF EDUCATION:	Western Washington College of Education.
Deficiency, Equipment for New Training School Building (Emergency approved Novem- ber 3, 1941)	\$10,500.00

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

Passed the House March 2, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 203.

[H. B. 178.]

STATE SCHOOL EDUCATION FUND.

AN ACT relating to education, providing for the levying of taxes for school purposes, and for the distribution of moneys in the State School Equalization Fund, and amending section 5 of chapter 97, Laws of 1909, as amended by section 2 of chapter 226, Laws of 1937 (section 4936 of Remington's Revised Statutes).

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

- Amendments. SECTION 1. That section 5 of chapter 97, Laws of 1909, as amended by section 2 of chapter 226, Laws of 1937 (section 4936 of Remington's Revised Statutes) be amended to read as follows:
- Distribution to counties. SECTION 5. In the manner and at the times hereinafter provided there shall be distributed out of the State School Equalization Fund to the County Treasurer of each county for the use and benefit of the several school districts of each such county a sum sufficient to produce one and seven-tenths cents (1.7¢) per day for each pupil in attendance in the common schools of each such county during the preceding school year. The County Commissioners of the several counties of the State of Washington shall annually, at the time of making the tax levy for county purposes, levy a tax on all property subject to taxation in their county sufficient, with the aforesaid apportionment from the State School Equalization Fund, to produce five and two-tenths cents (5.2¢) per day for each pupil in attendance in the common schools of the county during the preceding school year: *Provided*, That such tax on said property shall in no case exceed nine-tenths (9/10) of one (1) mill on each dollar of the assessed valuation: *Provided, further*, If the nine-tenths (9/10) of one (1) mill levy as aforesaid will not produce the five and two-tenths cents (5.2¢) per
- Rate.
- Counties to levy tax.
- Rate.
- Limitation.
- Proviso.

day's attendance as provided herein, in any county, the deficit shall be certified by the County Commissioners to the Superintendent of Public Instruction as a charge against the State School Equalization Fund, for the schools of such county. The apportionments from the State School Equalization Fund provided for in this section shall be made as follows: The Superintendent of Public Instruction shall at the time of making regular apportionments of the Current State School Fund during the following calendar year apportion to the County Treasurer of such county one-twelfth the amount due for the schools of said county from the State School Equalization Fund. The County Treasurer shall immediately notify the County Superintendent of Schools of the amount received, and the County Superintendent shall apportion the special allotment to the school districts of his county at the same time and upon the same basis as is used to distribute the county school funds. No district shall be reckoned as having less than two thousand five hundred (2,500) days' attendance either for revenue or apportionment purposes.

Certify any deficit.

Apportionments, how made.

Minimum days' attendance.

Passed the House February 23, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 204.

[H. B. 202.]

COUNTY BUILDING CODES AND FIRE REGULATIONS.

AN ACT relating to County Commissioners; authorizing County Commissioners to adopt and enforce standard building codes and standard fire regulations; defining offenses and prescribing penalties; and declaring an emergency.

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

Counties to adopt codes and rules.

SECTION 1. County Commissioners are hereby authorized and empowered to adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions.

Applicable to all or part.

SEC. 2. The building codes or fire regulations when adopted by the County Commissioners shall be applicable to all the area of any county which is situated outside the corporate limits of any incorporated city or town, or to such portion thereof as may be prescribed in such building code or fire regulation.

May employ inspectors.

SEC. 3. County Commissioners are hereby authorized and empowered to appoint Fire Inspectors or other Inspectors to enforce any building code or fire regulation adopted by them. It is further made the duty of any County Commissioners to enforce any building code or fire regulation adopted by them.

Penalty.

SEC. 4. Any person violating the provisions of any building code or any fire regulation lawfully adopted by any Board of County Commissioners shall be guilty of a misdemeanor.

Effective immediately.

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

Passed the House March 1, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 205.

[H. B. 347.]

WASHINGTON STATE PATROL.

AN ACT relating to the Washington State Patrol; providing methods of procedure to be followed in discharging, demoting or suspending Washington State Patrol officers.

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

SECTION 1. Washington State Patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided.

Retention of rank.

SEC. 2. The Chief of the Washington State Patrol shall have the power and authority to discipline any Washington State Patrol officer by suspending such officer, without pay, for a period of not more than thirty (30) days, and shall have the power to demote any officer holding probationary rank, without preferring charges against such officer, and without the necessity of a hearing.

Disciplinary power in chief.

SEC. 3. Discharge, or demotion of any officer holding non-probationary rank, or suspension for more than thirty (30) days, shall be only for cause, which cause shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of. Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington State Patrol officers of the rank of Captain, and one officer of equal rank with the officer complained of, which trial board shall be selected by the Chief of the Washington State Patrol by lot from the roster of the Washington State Patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

Discharge or demotion for cause.

Sworn complaint to be served

Hearing by trial board.

SEC. 4. Pending such hearing, the Chief of the Washington State Patrol may, in his discretion, sus-

Chief may suspend.

Officer charged may resign.

pend the officer complained of, and the officer complained of may, within ten (10) days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing. In the event that a letter of resignation is submitted, it shall be accepted without prejudice.

Procedure of hearing.

SEC. 5. At any such hearing, the Chief of the Washington State Patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote. The complainant and the officer complained of shall have the right to submit evidence and to be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer. After hearing, the findings of the trial board shall be submitted to the Chief of the Washington State Patrol. Such findings shall be final in the case of acquittal. In the event of conviction the Chief of the Washington State Patrol is empowered to determine the proper disciplinary action and declare the same by written order served upon the officer complained of.

Submit evidence.

Record of proceedings.

Submit findings.

Determination.

Reviewable by court.

SEC. 6. Any officer subjected to disciplinary action may, within ten (10) days after the service of the order of disciplinary action upon him, apply to the Superior Court of Thurston County for a writ of review for the purpose of having the reasonableness and lawfulness of the order inquired into and determined. The Superior Court shall review the determination of the Chief of the Washington State Patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety (90) days, either affirming or reversing the order of the Chief of the Washington State Patrol, or remanding the matter to the Chief of the Washington State Patrol for further action.

Review on record.

SEC. 7. If as a result of any trial board hearing, or review proceeding, any officer complained of is found not guilty of the charge or charges against him, he shall be immediately reinstated to his former position and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action.

Reinstatement mandatory if not guilty.

Passed the House March 3, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 206.

[H. B. 32.]

PROCEDURE IN STATE COURTS OF RECORD.

AN ACT relating to pleadings, practice and procedure in the state courts of record and repealing the following statutes and parts of statutes, to wit: Sections 13, 110, 221, 409, 1107, 1109 and 1110, Code of Washington Territory, 1881; also section 3, chapter 62 and section 82, chapter 28, Laws of 1891; also sections 3, 4 and 13, chapter LX, and sections 3, 14, 15 and 17, chapter LXI, Laws of 1893; also section 1, chapter XLIX, Laws of 1895; also sections 2 and 3, chapter 31, Laws of 1901; also section 1, chapter 81, Laws of 1903; also section 1, chapter 86, Laws of 1909; also sections 1 and 3, chapter 116, Laws of 1913; also sections 1 and 3, chapter 104, Laws of 1915; also sections 4 and 6, chapter 150, Laws of 1925, Extraordinary Session (sections 189, 304, 339, 351, 383, 384, 393, 1231, 1729, 1730, 1730-1, 1732, 2183, 2185 and 2186, Remington's Revised Statutes; sections 7305, 7307, 7315, 7317, 7726, 7811, 7812, 7821, 8270, 8337, 8504, 8515, 9343, 9345 and 9346, Pierce's Code).

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

SECTION 1. The following statutes and parts of statutes are hereby repealed: Sections 13, 110, 221, 409, 1107, 1109 and 1110, Code of Washington Territory, 1881; also section 3, chapter 62 and section 82, chapter 28, Laws of 1891; also sections 3, 4 and 13, chapter LX, and sections 3, 14, 15 and 17, chapter

Repeals

LXI, Laws of 1893; also section 1, chapter XLIX, Laws of 1895; also sections 2 and 3, chapter 31, Laws of 1901; also section 1, chapter 81, Laws of 1903; also section 1, chapter 86, Laws of 1909; also sections 1 and 3, chapter 116, Laws of 1913; also sections 1 and 3, chapter 104, Laws of 1915; also sections 4 and 6, chapter 150, Laws of 1925, Extraordinary Session (sections 189, 304, 339, 351, 383, 384, 393, 1231, 1729, 1730, 1730-1, 1732, 2183, 2185 and 2186, Remington's Revised Statutes; sections 7305, 7307, 7315, 7317, 7726, 7811, 7812, 7821, 8270, 8337, 8504, 8515, 9343, 9345 and 9346, Pierce's Code).

Passed the House February 1, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 207.

[H. B. 34.]

STATE LIBRARY.

AN ACT relating to the State Library and amending section 2, chapter 5, Laws of 1941, and repealing sections 2588 to and including section 2613, Code of Washington Territory, 1881, the chapter entitled "An Act relating to the State Library," approved March 27, 1890, sections 1 to and including section 6 of chapter 171, Laws of 1903, chapter 72, Laws of 1913, section 13, of chapter 7, Laws of 1921, and chapter 159, Laws of 1929.

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

State Library
created.

SECTION 1. There shall be a State Library, and a State Librarian as the chief executive officer in charge thereof.

SEC. 2. Section 2, chapter 5, Laws of 1941, is amended to read as follows:

Library
Commission,
powers and
duties.

Section 2. The State Library Commission shall have charge and control of the State Library. It shall appoint a State Librarian, who shall hold office at

the pleasure of the Commission. It may make rules and regulations governing the administration of the library.

Commission
to make
rules.

SEC. 3. The State Librarian is authorized, subject to any limitations and conditions imposed by the State Library Commission, to acquire by purchase, exchange, gift or otherwise library material, equipment and supplies and employ such assistance as is needed for the operation, growth and development of the library and to make rules and regulations governing the use of the library and the material therein.

Duties of
librarian.

SEC. 4. Sections 2588 to and including section 2613, Code of Washington Territory, 1881, the chapter entitled "An Act Relating to the State Library," approved March 27, 1890, sections 1 to and including section 6 of chapter 171, Laws of 1903 (sections 8208, 8214, 8215, and 8216, Remington's Revised Statutes) chapter 72, Laws of 1913 (section 8213, Remington's Revised Statutes), section 13 of chapter 7, Laws of 1921 (section 10771, Remington's Revised Statutes), and chapter 159, Laws of 1929 (section 10771-1, Remington's Revised Statutes) are repealed.

Repeals.

Passed the House February 3, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 208.

[H. B. 53.]

PREMIUMS ON SURETY BONDS.

AN ACT relating to payment of premiums on surety bonds, and amending section 194 of chapter 49 of the Laws of 1911, as amended by section 1, chapter 29, Laws of 1913, as amended by section 1, chapter 70, Laws of 1915 (section 7247 of Remington's Revised Statutes).

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

Amendments. SECTION 1. That section 194, chapter 49, Laws of 1911, as amended by section 1, chapter 29, Laws of 1913, as amended by section 1, chapter 70, Laws of 1915 (section 7247 of Remington's Revised Statutes) be amended to read as follows:

Premiums
lawful
expenses.

Section 194. Any receiver, assignee, trustee, guardian, executor, administrator, committee, or other fiduciary, required by law to give bonds as such, may include as a part of his lawful expenses, such reasonable sum paid to such a corporation for such suretyship bond, as the head of the department, court, judge or officer by whom, or the court or body by which he was appointed, allows, and in all actions and proceedings, the party entitled to recover costs

May recover
in costs.

may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any such bond or undertaking therein as may be allowed by the court or judge before whom the action or proceeding is pending: *Provided*, That the premium or charge for bonds given by surety companies for appointive or elective officers of the state, counties, precincts, cities and all towns and for such deputies of such officers as are required to give bond shall be paid by the state, county, city or town respectively.

Proviso.

Passed the House February 1, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 209.

[H. B. 58.]

LABOR AND MATERIAL LIENS.

AN ACT concerning the enforcement of liens for labor and material and amending section 9 of chapter 24 of the Laws of 1893.

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

SECTION 1. Section 9 of chapter 24 of the Laws of 1893 (section 1138 of Remington's Revised Statutes; section 9714 of Pierce's Code) is hereby amended to read as follows: Amendments.

Section 9. No lien created by this chapter binds the property subject to the lien for a longer period than eight calendar months after the claim has been filed unless an action be commenced in the proper court within that time to enforce such lien; or, if credit be given and the terms thereof be stated in the claim of lien, then eight calendar months after the expiration of such credit; and in case such action be not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the same for want of prosecution, and the dismissal of such action or a judgment rendered therein, that no lien exists, shall constitute a cancellation of the lien. Liens limited in time.

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 210.

[H. B. 63.]

EXTRA-HAZARDOUS EMPLOYMENTS.

AN ACT relating to extra-hazardous employments and to the compensation and remedies of workmen injured therein, and of their dependents and beneficiaries in case of death; and amending section 2, chapter 74, Laws of 1911, as last amended by section 1, chapter 41, Laws of 1939 (section 7674 of Remington's Revised Statutes).

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

Amendments. SECTION 1. That section 2, chapter 74, Laws of 1911, as last amended by section 1, chapter 41, Laws of 1939 (section 7674 of Remington's Revised Statutes) be amended to read as follows:

Intent declared.

Section 2. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act 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 "extra-hazardous" wherever used in this act, to-wit:

Extra-hazardous occupations enumerated.

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving 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 car driving; restaurants, taverns, clubs and establishments except private boarding houses, serving food or drink to the public or to members for consumption on the premises; bunk houses, kitchens and eating houses in connection with extra-hazardous occupations or conducted primarily for employees in extra-hazardous occupations; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra-hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 7676 of Remington's Revised Statutes: *Provided, however,* The following operations shall not be deemed extra-hazardous within the meaning, or be included in the enumeration of this section, to-wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores.

Extra-hazardous occupations.

Application to others arising.

Exceptions.

The Director of Labor and Industries through and by means of the Division of Industrial Insurance shall have power, after hearing had upon its own mo-

Director may declare.

Director
may classify
after hearing.

Notice of
hearing.

Order
subject to
review.

tion or upon the application of any party interested, to declare any occupation or work to be extra-hazardous and to be under this act. The Director of Labor and Industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten (10) days before the hearing in at least one (1) daily newspaper of general circulation, published and circulated in each city of the first-class of this state. No defect or inaccuracy, in such notice or in the publication thereof, shall invalidate any order issued by the Director of Labor and Industries, after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the Director of Labor and Industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 7697 of Remington's Revised Statutes, and not otherwise.

Passed the House March 2, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 211.

[H. B. 67.]

COAL MINING.

AN ACT relating to coal mining and amending section 12, chapter 36, Laws of 1917, as amended by section 8, chapter 306, Laws of 1927; and sections 37, 67, 90, 96, 108, 117, 118, 128, 154, 165, 184, 192 and 207, chapter 36, Laws of 1917 (secs. 8647, 8672, 8702, 8725, 8731, 8743, 8752, 8753, 8763, 8789, 8800, 8819, 8827 and 8842, Rem. Rev. Stat.).

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

SECTION 1. That section 12, chapter 36, Laws of 1917, as amended by section 8, chapter 306, Laws of 1927 (sec. 8647, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 12. All applicants for First and Second Class Certificates of Competency, shall be citizens of the United States. The State Mining Board with the addition of the Chief State Mine Inspector, shall conduct the examination of applicants for First and Second Class Certificates, and issue the same under the provisions of this act. Board to examine applicants.

SEC. 2. That section 37, chapter 36, Laws of 1917 (sec. 8672, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 37. Every main ventilating fan shall be provided with a recording instrument by which the ventilating pressure of the fan shall be registered, and the registration of each day, with the date thereof, shall be kept in the office of the mine for future reference for one year, the same to be produced upon request of the Inspector. Pressure record kept.

No fan, unless driven by electricity or compressed air, shall be placed in any mine. In gaseous mines, if the fan is electrically driven, the motor and starter shall be located in pure intake air, and shall not be less than twenty-five (25) feet outby the last open cross cut. Placement of fan.

Amendments. SEC. 3. That section 67, chapter 36, Laws of 1917 (sec. 8702, Rem. Rev. Stat.) be amended to read as follows:

Hoisting limitations.

Section 67. Not more than six (6) persons per ton of hoisting capacity shall be hoisted or lowered in any cage or car in any shaft, slope or incline at any one time: *And, provided,* That not more than one person for each three (3) square feet of floor surface shall be hoisted or lowered in any cage at any one time: *And provided further,* That in shafts, slopes or inclines, at all hoists not equipped with overwinding device, a competent attendant, in addition to the hoistman, shall be stationed in close proximity to engine controls at such time as men are being hoisted or lowered on regular man trips.

Amendments. SEC. 4. That section 90, chapter 36, Laws of 1917 (sec. 8725, Rem. Rev. Stat.) be amended to read as follows:

Steam locomotives prohibited.

Section 90. When a steam locomotive is used for the purpose of hauling coal out of a mine, the tunnel or tunnels through which the locomotive passes shall be properly ventilated and kept free as far as practicable of noxious gases. The use of steam locomotives shall be prohibited in any mines opened in the state after the passage of this act, or in mines already opened that are not now using the same.

Internal combustion engines prohibited.

The use of mining locomotives, pumping engines, hoists, trucks, or any other form of machinery driven or propelled by internal combustion engines, in which power is generated by burning within the cylinder or cylinders, a mixture of air and gas, or air and alcohol, gasoline, fuel oil, oil distillate, or other liquid fuel, within any coal mine or mines, is hereby declared to be unlawful, and any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 5. That section 96, chapter 36, Laws of 1917 (sec. 8731, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 96. On or before the twenty-fifth day of January in each year, the Operator or Superintendent of every mine shall send to the office of the State Mine Inspector a correct report specifying with respect to the year ending the thirty-first of December preceding, containing the following: Annual report required.

Name of company.....
 Postoffice address.....

OFFICERS	Name	Address
President
Manager
General superintendent
Mining engineer
Superintendent
General foreman
Outside foreman
Inside mine foreman
Location of mine
On what railroad
Principal market
Average value of coal per short ton at mine
Average value of coke per short ton at mine
Price paid per gross ton for mining
Are wages paid monthly or semi-monthly
Number of feet of gangway or entry driven
Also number of feet of slope or shaft driven or sunk during year
Scale of wages paid above ground
Scale of wages paid under ground in the different classes

Contents.

A report of ventilating and other important machinery installed during the year.

A report of new openings.

On or before the 15th day of each month, the Operator or Superintendent shall also furnish the State Mine Inspector with a monthly report relative to the month preceding, containing the following information: Monthly report.

Name of company.....
 Name or number of mine.....
 Location of mine.....
 County

Contents.

REPORT IN SHORT TONS

No. tons of coal shipped.....
 No. sold to employees and local trade.....
 No. used for power.....
 No. charged into ovens for coke.....
 Total production of coal.....
 Total production of coke.....
 No. days operated.....
 No. inside employees.....
 No. outside employees.....
 No. killed.....
 No. injured.....
 No. widows.....
 No. orphans

Penalty.

The Operator or the Superintendent who fails to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Amendment.

SEC. 6. That section 108, chapter 36, Laws of 1917 (sec. 8743, Rem. Rev. Stat.) be amended to read as follows:

Dangers to
be removed
or warnings
posted.

Section 108. Whenever any dangerous condition is known to exist, or is reported by others to the Mine Foreman, he shall give prompt attention to its removal, and in case it is impracticable to remove the danger at once, he shall post danger signs warning every person whose safety is menaced thereby, to remain away from the place that the dangerous conditions affect. He or his assistant shall once each week travel and examine all the air courses and traveling ways, and in addition all the openings that give access to old workings or falls. He shall record and sign in ink in a book provided for that purpose the results of these weekly examinations.

Weekly
inspection.

Record of
results.

Amend-
ments.

SEC. 7. That section 117, chapter 36, Laws of 1917 (sec. 8752, Rem. Rev. Stat.) be amended to read as follows:

Shot-
firing.

Section 117. No shot-firer or any other person shall fire a shot in any working place if he can detect explosive gas in the place. In dusty mines no shot shall be fired unless the place in which the shot is to be fired is thoroughly wetted or otherwise treated

to prevent the existence of any dust for a distance of not less than one hundred (100) feet from the shot to be fired.

When the presence of coal dust is likely to enter into an explosion hazard, the Chief Mine Inspector may require that the dry area be thoroughly rock dusted to the extent that the incombustible content shall be at least seventy per cent (70%).

May require rock dusting.

In all advancing entries, counters and haulage inclines where an undue quantity of dry coal dust is present, the Chief Mine Inspector may require that the rock dusting shall be kept within one hundred (100) feet of the working face. The rock dust shall be of such material as will meet the requirements of the U. S. Bureau of Mines in exclusion of deleterious substances.

SEC. 8. That section 118, chapter 36, Laws of 1917 (sec. 8753, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 118. Within one year after this act goes into effect, every mine employing as many as twenty (20) underground men, shall have and maintain ready for use at all times, at least three (3) sets of mine rescue apparatus, and one reviving device, of a type approved by the United States Bureau of Mines.

Rescue apparatus.

For each one hundred (100) underground men in addition to the first twenty (20), one additional apparatus shall be maintained, up to six (6) sets.

At every mine where mine rescue equipment is maintained, supplies for same shall be kept on hand to last at least twenty-four (24) hours. The superintendent of the mine, or some person designated by him for that purpose, shall examine each apparatus once each month and report the condition of same, also the amount of supplies on hand at the time of such examination. This report shall be made in writing by the person making the examination and a record of same shall be kept at the mine office

Supplies for apparatus.

Examine monthly and report.

and shall be accessible to the Mine Inspector or his Deputy at all times.

Contiguous operations.

Whenever two or more mines are operated by the same company within a radius of seven (7) miles, they shall be considered as one mine. However, mines within a radius of seven (7) miles and connected by a wagon road or railroad, may agree to equip and maintain one central station at which there shall not be less than six (6) apparatuses and one reviving device; when more than four (4) mines are associated at one central station, an additional machine must be added: *Provided, however,* That any coal mining operation within one hundred (100) miles of a properly equipped and maintained U. S. Bureau of Mines Rescue Station, in lieu of the provisions of this section, shall be required to furnish such personnel as the Bureau of Mines or the State Mine Inspector may require for adequate training in mine rescue and first aid work, the cost of the training of said personnel to be borne by the Mine Operator.

Proviso.

Amendments.

SEC. 9. That section 128, chapter 36, Laws of 1917 (sec. 8763, Rem. Rev. Stat.) be amended to read as follows:

Tamping bars.

Section 128. The needle used in preparing a blast of black powder shall be made of copper, and the tamping bar shall be tipped with at least five (5) inches of solid copper. All other explosives where a cap or detonator is used for the purpose of exploding the blast, shall be tamped with a wooden tamping bar. In no case shall iron or steel or other metal that is liable to cause a spark while tamping, to be used for the purpose of tamping any explosive. Neither shall a scraper be used for tamping. It shall be unlawful for any person to have in his possession in the mine underground, any iron or steel needle or tamping bar not tipped as above required.

Depth of blast holes.

No hole shall be drilled more than six (6) feet in depth for the purpose of blasting: *Provided, how-*

ever, That where mining machines are used holes may be drilled to the depth of the cut.

Bulldozing, mudcapping, or other unconfined shots shall not be fired in any coal mine, excepting and provided the confronting situation is such that it cannot safely be overcome by any other method. In such case, and then only in the interests of safe practice may such a shot or shots be placed, and the area within fifty (50) feet thereof shall be thoroughly wetted down or rock dusted before firing, and the shot or shots be packed or heavily capped with rock dust.

Unconfined shots prohibited.

Exception.

Limitation.

Any violation of this section shall be a misdemeanor and the offender shall be punished under the provisions of this act.

Penalty.

SEC. 10. That section 154, chapter 36, Laws of 1917 (sec. 8789, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 154. Every stationary motor underground, together with its starting resistance, shall be protected by a fuse or circuit breaking device on at least one pole for direct current; and all poles for alternating current motors, and by switches arranged to entirely cut off the power from the motor. The above devices shall be installed in a convenient position near the motor.

Protection of stationary motors.

Motors in Gaseous Mines: In any gaseous portions of a mine all motors, unless placed in such rooms as are separately ventilated with intake air, shall have all their current carrying parts, also their starters, terminals and connections, completely closed in explosion-proof inclosures made of non-inflammable materials. These inclosures shall not be opened except by an authorized person, and then only when the motor is switched off. The power shall not be switched on while the inclosures are open.

Motors in gaseous mines.

Mechanization: In any gaseous portion of a mine, all electrical equipment shall be of permissible type

Mechanization.

Electrical
equipment
in gaseous
mines.

approved by the U. S. Bureau of Mines, unless used strictly in pure intake air. Inby last open cross cut is not to be considered as pure intake air. (a) Frequent inspections must be made. All electrical parts including trailing cables and wiring must be kept in a safe condition. A permissible junction box must be used in connecting the power circuit, unless the connections are made in pure intake air. (b) All bolts, nuts, screws, and other means of fastenings must be in place, properly tightened and secured. The maximum clearance shall not exceed .004 of an inch on all flange fits. (c) Inspections, repairs, or renewals of electrical parts must not be made unless the current is disconnected from the power circuit. The power must not be turned on until all parts are properly assembled. (d) Spliced cables must not be used unless the splices are properly made and vulcanized. (e) The frame of all electrical equipment must be connected to an adequate ground. The power wires must not be used for grounding. (f) The power shall not be turned on any piece of electrical equipment until a test for explosive gas has been made, unless said equipment is operated in intake air. (g) A test for gas must be made before starting the mining machine or electric drill and also a test for gas must be made at least every ten (10) minutes while the machine or drill is in operation. (h) Water must be used on the cutter bar of mining machines while in operation in dusty conditions. (i) It is positively forbidden to use mining machines or electrical drills unless they are in good condition. (j) Hand drills shall not be operated on a higher potential than low voltage.

Not leave
machine.

The person in charge of a coal cutter or drilling machine shall not leave the machine while it is working, and shall, before leaving the working place, see that the current is cut off from the trailing cables.

In any gaseous portion of a mine if any electric sparking or arc be produced outside of a coal-cutting

or other portable motor, or by the cable or rails, the machine shall be stopped and not worked again until the defect is repaired, and the occurrence shall be reported to an official of the mine.

Stop until defect repaired.

SEC. 11. That section 165, chapter 36, Laws of 1917 (sec. 8800, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 165. No boy under eighteen (18) years of age, and no girl or woman of any age, shall be employed or permitted to be in any mine for the purpose of employment therein. No boy under the age of sixteen (16) years, and no girl or woman of any age, shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: *Provided*, That this prohibition shall not affect the employment of boys or girls or women for clerical or messenger duty about the surface workings as permitted under the State and Federal Laws.

Employment of women and minors prohibited.

Exceptions.

When an employer is in doubt as to the age of any boy applying for employment in or about the mine, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a Justice of the Peace or notary public, that he, the said boy, is of the prescribed age for employment.

Proof of age.

Affidavit.

Any person swearing falsely in regard to the age of a boy shall be guilty of perjury and shall be punished as provided in the statutes of the state.

Penalty for false swearing.

SEC. 12. That section 184, chapter 36, Laws of 1917 (sec. 8819, Rem. Rev. Stat.) be amended to read as follows:

Amendment.

Section 184. Any accumulation of explosive gas in a mine shall not be removed by brushing, or by blowing out by the use of compressed air.

Brushing gas prohibited.

Amendments. SEC. 13. That section 192, chapter 36, Laws of 1917 (sec. 8327, Rem. Rev. Stat.) be amended to read as follows:

Openings
fenced or
filled.

Section 192. Every abandoned slope, shaft, air-hole or drift, shall be fenced or filled in such a manner as to afford proper and continuous protection to all persons and stock endangered thereby.

Amendments. SEC. 14. That section 207, chapter 36, Laws of 1917 (sec. 8842, Rem. Rev. Stat.) be amended to read as follows:

Miner to
examine
working
place.

Section 207. The miner shall examine his working place before beginning work, and take down all dangerous slate, or otherwise make it safe by properly timbering it, before commencing to mine or load coal. He shall examine his place to see whether the Fire Boss has left the date marks indicating his examination thereof, and if said marks cannot be found it shall be the duty of the miner to notify the Mine Foreman, or the Assistant Mine Foreman, of the fact immediately. The miner shall at all times be careful to keep his working place in a safe condition.

Safety rules.

Should he at any time find his place becoming dangerous from gas or from roof or from any unusual condition that may arise, he shall at once cease working and inform the Mine Foreman, or the Assistant Mine Foreman, of said danger, but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger.

After each blast he shall exercise care in examining the roof and coal, and shall secure them safely before beginning work.

He shall order all props, cap pieces, and all other timbers necessary at least one day in advance of needing them, or as provided for in the rules of the mine. If he fails to receive said timbers and finds his place unsafe, he shall vacate it until the necessary timbers are supplied.

The management of any mine may submit to the Mine Inspector, for his approval, uniform rules for timbering at mines where conditions may be favorable for same. If approved by the Mine Inspector, they will become a part of the rules of said mine. Safety rules.

In all working places where it is necessary to temporarily remove posts, substitute posting shall be done when necessary for safety and such posts as are removed must be replaced as soon as possible by permanent timbers.

Under no condition shall the miner use coal dust or other combustible material for tamping in any gaseous or dusty mines.

When places are liable to generate sudden outbursts of explosive gas, no miner shall be allowed to charge or fire shorts except under the supervision and with the consent of the Mine Foreman, or the Assistant Mine Foreman, or some other competent person designated by the Mine Foreman for that purpose.

The miner shall remain during working hours in the place assigned to him, and he shall not leave his working place without the consent of the Mine Foreman, Assistant Mine Foreman, or Fire Boss, unless called upon to assist others, or in case of need. He shall not wander about the hauling roads or enter abandoned or idle workings.

Passed the House February 5, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 212.

[H. B. 88.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways; providing for additions to the Secondary State Highway System; amending sections 2 and 6, chapter 207, Laws of 1937 (sections 6402-2 and 6402-6, Remington's Revised Statutes, Volume 7A); and declaring an emergency.

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

Amendments. SECTION 1. Section 2, chapter 207, Laws of 1937 (section 6402-2, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Branches of Primary State Highway No. 1. Section 2. Secondary State Highways as branches of Primary State Highway No. 1, are hereby established according to designation and description as follows:

Secondary State Highway No. 1A. (a) Secondary State Highway No. 1A; beginning at Blaine on Primary State Highway No. 1, thence in an easterly direction by the most feasible route to a point east of Van Buren, thence in a southerly direction by the most feasible route to an intersection with Primary State Highway No. 1 in the vicinity west of Deming, thence following the route of Primary State Highway No. 1 to a point east of Deming, thence in a southerly direction by the most feasible route by way of Sedro Woolley, Arlington and Snohomish to an intersection with Primary State Highway No. 2 in the vicinity southeast of Bothell; also beginning at a junction with Secondary State Highway No. 1A in the vicinity east of Van Buren, thence in a northerly direction by the most feasible route to the international boundary in the vicinity west of Sumas;

Secondary State Highway No. 1B. (b) Secondary State Highway No. 1B; beginning at Bellingham on Primary State Highway No. 1, thence in a northerly direction by the most feasible route to an intersection with Secondary State High-

way No. 1A, thence in a northerly direction by the most feasible route to the international boundary in the vicinity east of Delta;

(c) 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 by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity of Whitney; also beginning at Burlington on Primary State Highway No. 1, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity east of Whitney;

Secondary
State High-
way No. 1C.

(d) Secondary State Highway No. 1D; beginning at a junction with Primary State Highway No. 1 in the vicinity southeast of Anacortes, thence southerly by the most feasible route by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidby Island;

Secondary
State High-
way No. 1D.

(e) Secondary State Highway No. 1E; beginning at Conway on Primary State Highway No. 1, thence in a southerly direction by the most feasible route by way of East Stanwood, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1, thence in an easterly direction by the most feasible route to Arlington on Secondary State Highway No. 1A;

Secondary
State High-
way No. 1E.

(f) Secondary State Highway No. 1F; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Allen, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity north of Burlington, thence in an easterly direction by the most feasible route to Sedro Woolley on Secondary State Highway No. 1A;

Secondary
State High-
way No. 1F.

(g) Secondary State Highway No. 1G; beginning at Mt. Vernon on Primary State Highway No. 1, thence in an easterly direction by the most fea-

Secondary
State High-
way No. 1G.

sible route to a junction with Secondary State Highway No. 1A;

Secondary
State High-
way No. 1H.

(h) Secondary State Highway No. 1H; beginning at Conway on Primary State Highway No. 1, thence in a southeasterly direction by the most feasible route to McMurray on Secondary State Highway No. 1A;

Secondary
State High-
way No. 1I.

(i) Secondary State Highway No. 1I; beginning at Everett on Primary State Highway No. 1, thence in a westerly direction by the most feasible route to Mukilteo, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of Everett;

Secondary
State High-
way No. 1J.

(j) Secondary State Highway No. 1J; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Seattle, thence in an easterly direction by the most feasible route to the vicinity of Lake Washington, thence in a southeasterly direction by the most feasible route to Seattle in the vicinity of the Naval Air Station at Sandpoint;

Secondary
State High-
way No. 1K.

(k) Secondary State Highway No. 1K; beginning at Seattle on Primary State Highway No. 1, thence in a southerly direction by the most feasible route to Des Moines, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
State High-
way No. 1L.

(l) Secondary State Highway No. 1L; beginning at a junction with Primary State Highway No. 5 in the vicinity south of Renton, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1, thence in a westerly direction by the most feasible route to a junction with Secondary State Highway No. 1K near Sunnydale;

Secondary
State High-
way No. 1M.

(m) Secondary State Highway No. 1M; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Tumwater, thence in a southwesterly direction by the most feasible route

to a junction with Primary State Highway No. 9 in the vicinity of Rochester;

(n) Secondary State Highway No. 1N; beginning at Tenino, thence in a southerly direction by the most feasible route by way of Bucoda to the north corporate limits of the city of Centralia;

Secondary
State High-
way No. 1N.

(o) Secondary State Highway No. 1P; beginning at Toledo on Primary State Highway No. 1, thence in a southwesterly direction by the most feasible route by way of Vader to Ryderwood;

Secondary
State High-
way No. 1P.

(p) Secondary State Highway No. 1Q; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Toledo, thence in an easterly and southerly direction by the most feasible route to a junction with Secondary State Highway No. 1R in the vicinity north of Toutle;

Secondary
State High-
way No. 1Q.

(q) Secondary State Highway No. 1R; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by the most feasible route by way of St. Helens to the boundary of the Columbia National Forest in the vicinity northwest of Mt. St. Helens;

Secondary
State High-
way No. 1R.

(r) Secondary State Highway No. 1S; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Woodland, thence in an easterly direction by the most feasible route to Amboy, thence in a southerly direction by the most feasible route to Battleground, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity north of Vancouver;

Secondary
State High-
way No. 1S.

(s) Secondary State Highway No. 1T; beginning at Vancouver on Primary State Highway No. 1, thence in a northerly direction by the most feasible route by way of Sara to Ridgefield, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of LaCenter;

Secondary
State High-
way No. 1T.

Secondary
State High-
way No. 1U.

(t) Secondary State Highway No. 1U; beginning at Battleground on Secondary State Highway No. 1S, thence in a southerly direction by the most feasible route to Orchard on the Secondary State Highway No. 8A;

Secondary
State High-
way No. 1V.

(u) Secondary State Highway No. 1V; beginning at Tacoma on Primary State Highway No. 1, thence in a northeasterly direction by the most feasible route by way of Redondo to Des Moines on Secondary State Highway No. 1K;

Secondary
State High-
way No. 1W.

(v) Secondary State Highway No. 1W; beginning at a junction with Primary State Highway No. 1 in the vicinity of the Snohomish-King County line, thence in a northwesterly direction by the most feasible route to Edmonds;

Secondary
State High-
way No. 1X.

(w) Secondary State Highway No. 1X; beginning at a junction with Primary State Highway No. 1 in the vicinity of Milton, thence in an easterly direction by the most feasible route by way of Milton to a junction with Secondary State Highway No. 5D in the vicinity east of Milton.

Amendments.

SEC. 2. Section 6, chapter 207, Laws of 1937 (section 6402-6 of Remington's Revised Statutes, Volume 7A) is amended to read as follows:

Branches of
Primary
State High-
way No. 5.

Section 6. Secondary State Highways as branches of Primary State Highway No. 5 are hereby established according to designation and description as follows:

Secondary
State High-
way No. 5A.

(a) Secondary State Highway No. 5A; beginning at a junction with Primary State Highway No. 5 south of Maple Valley, thence in a westerly direction by the most feasible route to Kent on Primary State Highway No. 5, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
State High-
way No. 5B.

(b) Secondary State Highway No. 5B; beginning at Auburn on Primary State Highway No. 5, thence in a northeasterly direction by the most

feasible route to a junction with Secondary State Highway No. 5A in the vicinity south of Maple Valley;

(c) Secondary State Highway No. 5C; beginning at Renton on Primary State Highway No. 2, thence in a southerly direction by the most feasible route to a junction with Secondary State Highway No. 5A in the vicinity east of Kent;

Secondary
State High-
way No. 5C.

(d) Secondary State Highway No. 5D; beginning at Puyallup on Primary State Highway No. 5, thence in a northerly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
State High-
way No. 5D.

(e) Secondary State Highway No. 5E; beginning at Puyallup on Primary State Highway No. 5, thence in a southerly direction by the most feasible route to Orting, thence in a northeasterly direction by the most feasible route to a junction with Primary State Highway No. 5 in the vicinity south of Buckley; also beginning at a junction with Secondary State Highway No. 5E, as herein described, southeast of Orting, thence in a southerly direction by the most feasible route to Electron;

Secondary
State High-
way No. 5E.

(f) Secondary State Highway No. 5G; beginning at Puyallup on Primary State Highway No. 5, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 5 south of Tacoma, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 south of Tacoma;

Secondary
State High-
way No. 5G.

(g) 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 the most feasible route by way of McKenna, Yelm, and Rainier, to Tenino on Primary State Highway No. 1;

Secondary
State High-
way No. 5H.

(h) Secondary State Highway No. 5I; beginning at Yelm on Secondary State Highway No. 5H, thence in a northwesterly direction by the most

Secondary
State High-
way No. 5I.

feasible route to Tumwater on Primary State Highway No. 1;

Secondary
State High-
way No. 5J.

(i) Secondary State Highway No. 5J; beginning at McKenna on Secondary State Highway No. 5H, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5;

Secondary
State High-
way No. 5K.

(j) Secondary State Highway No. 5K; beginning at Morton on Primary State Highway No. 5, thence in a westerly direction by the most feasible route by way of Onalaska to a junction with Primary State Highway No. 1 south of Chehalis;

Secondary
State High-
way No. 5L.

(k) Secondary State Highway No. 5L; beginning at Morton on Primary State Highway No. 5; thence in a southwesterly direction by the most feasible route to Riffe on Primary State Highway No. 5;

Secondary
State High-
way No. 5M.

(l) Secondary State Highway No. 5M; beginning at a junction with Primary State Highway No. 5 in the vicinity west of Auburn, thence in a northerly direction by the most feasible route to a junction with Primary State Highway No. 1 south of Seattle.

Passed the House March 5, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 213.

[H. B. 114.]

CITY ORDINANCES.

AN ACT relating to city ordinances and the posting and publication thereof; providing for the adoption by reference in ordinances of printed codes and compilations; and amending section 1 of chapter 32, Laws of 1935 (section 9199-1 Remington's Revised Statutes; section 1149-31, Pierce's Code).

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

SECTION 1. That section 1 of chapter 32, Laws of 1935, be amended to read as follows: Amendments.

Section 1. Ordinances passed by cities must be posted or published in a newspaper as required by their respective charters or the general laws: *Provided*, That ordinances may by reference adopt Washington State statutes and codes, and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington State statutes or codes or other codes or compilations so adopted need not be published therein: *Provided, however*, That not less than three copies of such statute, code or compilation shall be filed for use and examination by the public, in the office of the City Clerk of said city, prior to adoption thereof; and amendments and additions to such statutes, codes or compilations, when printed and filed with the City Clerk, shall be considered and accepted as amend- Posting and publication.
Adoption by reference.
Filing code required.

Prior acts
validated.

ments and additions to such statutes, codes or compilations without the necessity of further adoption of such amendments or additions by such city when such original ordinance adopting such statutes, codes or compilations so provide. Any city ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated.

Passed the House March 1, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 214.

[H. B. 127.]

LICENSING OF MATERNITY HOMES.

AN ACT relating to maternity homes; providing for the licensing thereof; defining terms; prescribing the duties of certain officers; prescribing fees, and declaring penalties.

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

"Maternity
Home"
defined.

SECTION 1. "Maternity Home" as used herein shall be any place where women go to be delivered of children.

License
required.

SEC. 2. On and after July 1, 1943, it shall be unlawful for any person to maintain or operate a maternity home unless he shall have obtained a license as in this act provided.

Director
of Health
to issue.

SEC. 3. Licenses to maintain and operate any maternity home shall be issued by the Director of Health to persons applying therefor. The annual fee for such licenses shall be twenty-five dollars (\$25): *Provided*, That any person, association, or corporation maintaining or operating a maternity home which is eleemosynary, charitable, or philanthropic, and not for profit, shall be exempt from

Fee.

Exemption.

the payment of the license fee. Licenses shall expire on July 1 of each year. Expiration date.

SEC. 4. The Director of Health shall in person or by his duly appointed and acting subordinates, make periodical inspections of maternity homes. The Director of Health shall have the power to make and promulgate reasonable regulations governing maternity homes. Inspection required.
Director to make rules.

SEC. 5. This act shall not apply to hospitals certified as Standard Class A hospitals. Exemption.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 215.

[H. B. 128.]

RETIREMENT OF CERTAIN WASHINGTON STATE PATROL OFFICERS.

AN ACT authorizing the chief of the Washington State Patrol to relieve from active duty certain officers who have been injured or incapacitated during official service in the Patrol and repealing chapter 78, Laws of 1939 and chapter 95, Laws of 1941 (sections 6362-62, 6362-63 and 6362-64, Remington's Revised Statutes).

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

SECTION 1. The chief of the Washington State Patrol shall, and he is hereby authorized to, relieve from active duty Washington State Patrol officers who, while in the performance of their official duties, have been injured or have become incapacitated, or may hereafter be injured or become incapacitated, to such an extent as to be mentally or physically incapable of active service. Such officers shall receive one-half (1/2) of their compensation at the time so relieved from duty, during the time such disability continues in effect, less any compensation received through the Department of Labor and Industries. Injured officers to be relieved.

Receive half pay.

Subject to
examination.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the Chief of the Washington State Patrol at any time during their retirement from active duty for the purpose of ascertaining whether or not they are able to resume active duty.

Repeals.

SEC. 2. Chapter 78, Laws of 1939 and chapter 95, Laws of 1941 (sections 6362-62, 6362-63 and 6362-64, Remington's Revised Statutes) are hereby repealed.

Effective
April 1, 1943.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Passed the House March 9, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 216.

[H. B. 141.]

REGULATING INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors; granting certain powers to the Washington State Liquor Control Board; providing a method for the collection of revenue; amending section 9, chapter 62, Laws of 1933, Extraordinary Session (section 7306-9, Remington's Revised Statutes, Supplement), section 24-A, chapter 62, Laws of 1933, Extraordinary Session as enacted in and by section 3, chapter 158, Laws of 1935 and amended by section 3, chapter 172, Laws of 1939 (section 7306-24-A, Remington's Revised Statutes, Supplement) and section 33, chapter 62, Laws of 1933, Extraordinary Session, as amended by section 5, chapter 174, Laws of 1935 (section 7306-33, Remington's Revised Statutes, Supplement) and declaring an emergency.

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

Amendments.

SECTION 1. Section 9, chapter 62, Laws of 1933, Extraordinary Session (section 7306-9, Remington's Revised Statutes, Supplement) is amended to read as follows:

Section 9. The Board may in its discretion by regulation prescribe that any or all liquors other than malt liquor shall be delivered to any purchaser at a state liquor store only in a package sealed with the official seal.

May
prescribe
official seal.

SEC. 2. Section 24-A, chapter 62, Laws of 1933, Extraordinary Session as enacted in and by section 3, chapter 158, Laws of 1935 and amended by section 3, chapter 172, Laws of 1939 (section 7306-24-A, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments

Section 24-A. 1. Within the meaning of this act the term "domestic wines" shall mean wines manufactured or produced within the State of Washington in a licensed domestic winery from fruits or fruit products grown exclusively and entirely within the State of Washington.

"Domestic
wines"
defined.

2. All wines manufactured or produced in domestic wineries may be sold by the manufacturer or producer thereof direct to persons holding licenses entitling them to sell wine at retail under the provisions of this act, or to licensed domestic wine wholesalers or to licensed domestic wineries. There is hereby imposed upon all wines manufactured or produced in domestic wineries and sold to retail licensees within the state a tax of ten cents per wine gallon: *Provided, however,* That wine sold or shipped in bulk from one domestic winery to another domestic winery shall not be subject to such gallonage tax. The tax herein provided for may, if so prescribed by the Board, be collected by means of stamps to be furnished by the Board, or by direct payments based on gallonage sales. Every person selling wine under the provisions of this section shall report all sales to the Board in such manner, at such times and upon such forms as may be prescribed by the Board in accordance with section 25, and with such report shall pay the tax due from the

May sell
direct to
licensees.

Tax
imposed.

Rate of tax.
Proviso.

May
prescribe
stamp tax.

Sellers to
report.

Collection
of tax.

sales covered by such report unless the same has previously been paid. If this tax be collected by means of stamps, every such person shall procure from the Board revenue stamps representing the tax in such form as the Board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the Board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products grown in the state under this section shall be guilty of a violation of this act, and his license shall be summarily cancelled by the Board. If the tax is not collected by means of stamps, the Board may require that every such person shall execute to and file with the Board a bond to be approved by the Board, in such amount as the Board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the Board may forthwith suspend or cancel his license until all taxes are paid.

Penalty.

Loss of
license.

Bond.

Amend-
ments.

SEC. 3. Section 33, chapter 62, Laws of 1933, Extraordinary Session, as amended by section 5, chapter 174, Laws of 1935 (section 7306-33, Remington's Revised Statutes, Supplement) is amended to read as follows:

No liquor
without seal.

Section 33. 1. Except as permitted by the Board, no liquor shall be kept or had by any person within the state unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal adopted by the Board, except in the case of

Exceptions.

a. liquor imported by the Liquor Control Board;
or

b. liquor manufactured in the state for sale to the Liquor Control Board or for export; or

c. beer purchased in accordance with the provisions of this act; or

d. wine, beer or liquor exempted in section 32.

2. If, upon the sworn complaint of any person, it shall be made to appear to any Judge of the Superior Court, Justice of the Peace or Magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such Judge, Justice of the Peace or Magistrate shall, with or without the approval of the Prosecuting Attorney, issue a warrant directed to a civil officer of the State of Washington duly authorized to enforce or assist in enforcing any law thereof, or to an Inspector of the Washington State Liquor Control Board, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is 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 liquor, and to safely keep the same, and to make a return of said warrant within ten 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, together with a detailed receipt for the property taken shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant and receipt shall be left in a conspicuous place upon the premises wherein the same are found; and all liquor seized pursuant to the authority of such warrant

Courts to
issue search
warrants.

Search and
seizure.

Make return.

Service of
warrant.

Seized liquor forfeited.	shall, upon adjudication that it was kept in violation of this act, be <i>ipso facto</i> forfeited and upon such forfeiture be delivered to the Washington State Liquor Control Board.
Time of hearing.	3. Upon the return of the warrant as provided herein the Judge, Justice of the Peace or Magistrate shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of said return, when he shall proceed to hear and determine whether or not the articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this act. At such hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed and that the same were not used in the violation of any of the provisions of this act, and were not in any manner kept or possessed with the intention of violating any of the provisions of this act. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the Judge, Justice of the Peace or Magistrate shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: <i>Provided, however,</i> That if in the opinion of the Judge, Justice of the Peace or Magistrate, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such Judge, Justice of the Peace or Magistrate shall, as a part of the order and judgment, direct that said articles other than intoxicating liquor shall be sold as upon execution by the officer having them in custody and the proceeds of such sale after payment of all costs in this proceeding shall be paid into the Liquor Revolving Fund.
Procedure.	
Judgment.	
Forfeited articles may be sold.	
Disposition of proceeds.	

Action under this section and the forfeiture, destruction or sale of any articles thereunder shall not be a bar to any prosecution under any other provision or provisions of this act.

No bar to prosecution.

Passed the House February 15, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 217.

[H. B. 150.]

BANK EXAMINERS.

AN ACT relating to banking; prescribing the oath and official bond of bank examiners, and amending section 3, chapter 80, Laws of 1917, as amended by section 3, chapter 209, Laws of 1919 (sec. 3210, Rem. Rev. Stat.).

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

SECTION 1. That section 3, chapter 80, Laws of 1917, as amended by section 3, chapter 209, Laws of 1919 (sec. 3210, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 3. Before entering upon his office each Bank Examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the Governor in such sum as may be deemed necessary by the Administrative Board, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state. Such oaths and bonds shall be filed with the Secretary of State. Neither the Supervisor of Banking, any Deputy Supervisor nor any Bank Examiner shall be personally liable for any act

Oath of examiner.

Bond.

File with Secretary of State.

done by him in good faith in the performance of his duties.

Passed the House February 15, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 218.

[H. B. 151.]

WITNESSES IN CRIMINAL PROCEEDINGS.

AN ACT relating to the attendance of witnesses in certain criminal proceedings and prescribing penalties.

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

Definitions:
"Witness."

SECTION 1. *Definitions.* "Witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

"State."

The word "state" shall include any territory of the United States and the District of Columbia.

"Summons."

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Witnesses
for other
states.

SEC. 2. *Summoning witness in this state to testify in another state.* If a Judge of a Court of Record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certified under the seal of such Court that there is a criminal prosecution pending in such Court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any Judge of a Court of Record in the county in which such person is, such Judge shall fix a time and place

Certificate.

for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

Hearing
and order.

If at a hearing the Judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the Court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to travel by ordinary course of travel, at a time and place specified in the certificate. In any such hearing the certificate shall be *prima facie* evidence of all the facts stated therein.

Court may
order
attendance.

Protection
required.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such Judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be *prima facie* proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

Court may
direct
custody.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents (10¢) a mile for each mile by the ordinary traveled route to and

Failure
punishable.

Mileage and
per diem.

from the Court where the prosecution is pending and five dollars (\$5) for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a Court of Record in this state.

Witnesses
from other
states.

SEC. 3. *Witness from another state summoned to testify in this state.* If any person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness either for the prosecution or for the defense, in a criminal action pending in a Court of Record in this state, or in a grand jury investigation which has commenced or is about to commence, a Judge of such Court may issued a certificate under the seal of the Court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a Judge of a Court of Record in the county in which the witness is found.

Certificate.

May include
custody.

Mileage and
per diem.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents (10¢) a mile for each mile by the ordinary traveled route to and from the Court where the prosecution is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the Court. If such witness, after coming into this state, fails without good cause to

attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a Court of Record in this state.

Failure to testify punishable.

SEC. 4. *Exemption from arrest and service of process.* If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Exemption from arrest and process.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

SEC. 5. *Uniformity of interpretation.* This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Uniform act.

SEC. 6. *Short title.* This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings."

Short title.

SEC. 7. *Constitutionality.* If any provision of this act or the application thereof to any person or circumstances 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.

Saving clause.

Passed the House February 23, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 219.

[H. B. 154.]

PROBATE.

AN ACT relating to probate and providing for proof of wills by proving the signatures of the testator and of the subscribing witnesses who are engaged with the armed forces of the United States or employed on a vessel of the United States Merchant Marine, or dead, insane, or absent from the state, or unavailable for any cause found by the Superior Court to be sufficient; and amending section 12, chapter 156, Laws of 1917 (section 1382, Remington's Revised Statutes; section 10051, Pierce's Code).

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

Amendments. SECTION 1. Section 12, chapter 156, Laws of 1917 (section 1382, Remington's Revised Statutes; section 10051, Pierce's Code), is amended to read as follows:

Proof by witness in armed services.

Section 12. When one of the witnesses to any such will shall be examined and the other witness or witnesses are engaged with the armed forces of the United States, or employed on a vessel of the United States Merchant Marine, or dead, insane, their residence unknown, or absent from the state, or for any other cause deemed by written order of the Superior Court to be sufficient, then proof shall be taken of the handwriting of the testator and of such other witness, and all such other circumstances as would tend to prove such will.

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

facts and circumstances as would tend to prove such will.

Passed the House February 11, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 220.

[H. B. 159.]

NURSERY SCHOOLS.

AN ACT relating to education, providing for the establishment of nursery schools and schools for care of children of working mothers, authorizing school districts to operate other educational programs in cooperation with the Federal government, empowering the State Superintendent of Public Instruction to make rules and regulations relating thereto, providing for the supervision, authorizing the receipt and administration of Federal funds for educational purposes, making an appropriation therefor and declaring an emergency.

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

SECTION 1. School districts are hereby authorized to establish and maintain, under such rules and regulations as may be prescribed by the State Superintendent of Public Instruction, nursery schools for children of mothers working in war industries and other occupations and/or to provide before and after school and vacation care for children of working mothers, and to operate any other educational program sponsored and/or supported by the Federal Government.

Nursery
schools
authorized.

SEC. 2. To carry out the purpose of section 1 of this act, there is hereby appropriated from the general fund to the State Superintendent of Public Instruction the sum of five hundred thousand dollars (\$500,000). Expenditures under this appropriation shall be made by warrants issued by the State Auditor upon certificates issued by the Superintendent of

Appropriation.

State Board to make rules.

Public Instruction covering allocations made to individual school districts for their relief as in this act provided. The State Board of Education shall make necessary rules and regulations to carry out the purpose of section 1 of this act.

Underwriting Federal allocations.

SEC. 3. In addition to allocations made to school districts for their relief, allocations may be made from the appropriation herein provided for the purpose of underwriting allocations made or requested from Federal funds until such Federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of this act pending the receipt of reimbursement from funds made available by Acts of Congress.

May receive Federal funds.

SEC. 4. The State of Washington and/or any school district is hereby authorized to receive Federal funds made or hereafter made available by acts of Congress for the assistance of school districts in providing physical facilities and/or maintenance and operation of schools, or for any other educational purpose, according to provisions of such acts, and the State Superintendent of Public Instruction shall represent the state in the receipt and administration of such funds.

Boards to provide nursery schools.

SEC. 5. Every Board of Directors shall have power and it shall be its duty to establish, equip and maintain nursery schools and/or provide before and after school care for children of working mothers, in cooperation with the Federal Government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby.

Effective immediately.

SEC. 6. *Effective Date; Termination.* This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force for the duration of the existing war and for six months after termination thereof by the signing of a definitive treaty of peace, or by the proclamation of the Presi-

Termination.

dent of the United States that hostilities have ceased or that the emergency in justification of extraordinary wartime powers no longer exists.

Passed the House March 9, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 221.

[H. B. 304.]

RETIREMENT OF SUPERIOR AND SUPREME COURT JUDGES.

AN ACT relating to the retirement and retirement pay of Judges of the Supreme and Superior Courts, and amending section 1, chapter 229, Laws of 1937.

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

SECTION 1. That section 1, chapter 229, Laws of 1937 (section 11054-1, Remington's Revised Statutes, Supp.; section 4418-201, Pierce's Code), is hereby amended to read as follows: Amendments.

Section 1. Any Judge of the Supreme or Superior Court of the State of Washington who heretofore and/or hereafter shall have served as a Judge of either or both of such Courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years or more may, during or at the expiration of his term of office, in accordance with the provisions of this act, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall be counted the time spent by such Judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941: *Provided, however,* That Retirement.

Count time in armed forces.

Limitation.

in computing such credit for such service in the

Notice,
contents.

armed forces of the United States of America no allowance shall be made for service beyond the date of the expiration of the term for which such judge was elected. Any Judge desiring to retire under the provisions of this section shall file with the State Treasurer, who is hereby created Treasurer, *ex officio*, of the fund hereinafter established, and who is hereinafter referred to as "the Treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the Treasurer shall forthwith file with the State Auditor. The notice shall state his name, the Court or Courts of which he has served as judge, the period of service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 222.

[H. B. 309.]

FEDERATION FOREST.

AN ACT relating to state parks; authorizing the acquisition by the State Parks Committee of certain lands adjoining the Big Tree State Park, otherwise known as the Federation Forest; making appropriations; and declaring an emergency.

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

Purpose
stated.

SECTION 1. For the purpose of preserving roadside stands of timber and protecting from wind damage the Big Tree State Park, otherwise known as the Federation Forest, located in township 19 north,

range 9 east, W. M., acquired under authority of section 3, chapter 111, Laws of 1939, the State Parks Committee is hereby authorized to purchase, condemn, or otherwise acquire and hold additional land adjacent to said Federation Park, bordering the National Park highway via Chinook Pass eastward extending to the Mather Memorial Parkway at the eastern boundary of said township, which is the west boundary of Snoqualmie National Forest and bordering the National Park Highway via Chinook Pass westward a distance of two miles.

Committee may purchase.

SEC. 2. For the purpose of carrying out the provisions of this act and of acquiring the lands herein mentioned there is hereby appropriated to the State Parks Committee from the Highway Safety Fund the sum of one hundred twenty-five thousand dollars (\$125,000).

Appropriation.

Highway Safety fund.

SEC. 3. For the purpose of carrying out the provisions of this act, there is hereby appropriated to the State Parks Committee from the Federation Park Fund, created by chapter 111, Laws of 1939, the sum of five thousand dollars (\$5000).

Appropriation.

Federation Park fund.

SEC. 4. This act is necessary for the immediate support of the state government and of the existing public institutions of the state and shall take effect immediately.

Effective immediately.

Passed the House March 11, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 223.

[H. B. 331.]

DELINQUENT REAL PROPERTY TAXES.

AN ACT relating to taxation; authorizing installment contracts for the payment of delinquent real property taxes; prescribing powers and duties of County Treasurers in connection therewith and declaring an emergency; and amending section 1, chapter 104, Laws of 1939, as amended by section 1, chapter 144, Laws of 1941 (section 11273-14A, Remington's Supp. 1941).

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

Amendments. SECTION 1. Section 1, chapter 104, Laws of 1939, as amended by section 1, chapter 144, Laws of 1941 (section 11273-14A, Remington's Supp. 1941), is amended to read as follows:

Treasurer to accept agreement to pay delinquent taxes. SECTION 1. At any time on or before the 30th day of November, 1943, the County Treasurer of any county in the state is authorized and directed to accept from any person or corporation owning one or more parcels of real property in the state or holding a contract for the purchase thereof, or from a mortgagee or other lien holder having a mortgage or other lien against such property, upon which one or more payments or installments of property taxes for 1936 or prior years are delinquent, a signed agreement, first, to pay before delinquency the current taxes upon such property payable in the year 1943 and each year thereafter, and, secondly, to pay in twenty semi-annual installments (a) the total delinquent taxes upon such property for 1936 and prior years plus (b) the total delinquent taxes upon such property for the years 1937, 1938, 1940, 1941, and 1942, if any, together with accrued interest thereon. Upon closing such a contract all other penalties and interest upon said delinquent taxes shall be suspended, providing said contract is fully carried out. The sum of (a) and (b) shall become the principal of an

Installments.

Provisions.

Penalties waived by closing contract.

Principal.

agreement executed under this act, which the holder shall agree to pay in twenty equal installments beginning with the date of the agreement and continuing on the 30th day of each November and 31st day of each May thereafter, together with interest on unpaid balances thereof at the rate of six per cent per annum from the date of the agreement. Payments made in accordance with the terms of such agreements shall be applied first to the payment of the interest incorporated therein and when such interest has been fully paid the balance of payments shall be applied to the tax longest delinquent. All interest collected under such agreements, including that incorporated in the principal of the agreement shall be credited to the County Current Expense Fund. Such agreement shall provide that any unpaid balance thereunder at the election of such person or corporation may be paid in full at any time with interest thereon up to and including the day of payment. It shall further provide that in the event two successive installments are not paid on or before the date when due or in the event that an installment of taxes payable in the year 1943 or any year thereafter is not paid within twelve months after the same shall become delinquent, the agreement shall become void and of no effect whatsoever. Upon the agreement becoming void the unpaid portion of the original tax and interest thereon shall be restored upon the tax rolls and the county shall institute tax foreclosure proceedings as provided by law.

Payments with interest.

Application of payments.

Interest credited to current expense.

Balance payable at any time.

Delinquency voids agreement.

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

Effective immediately.

Passed the House March 3, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 224.

[H. B. 358.]

INHERITANCE TAX EXEMPTIONS.

AN ACT relating to revenue and taxation; providing for certain exemptions from taxes on estates, gifts, transfers in contemplation or to take effect upon death, legacies, inheritances, bequests, devises and successions applicable to property, whether held jointly or severally; amending section 11, chapter 202, Laws of 1939, as amended by section 1, chapter 197, Laws of 1941 (section 11218, Rem. Supp. 1941).

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

Amendments. SECTION 1. Section 11, chapter 202, Laws of 1939, as amended by section 1, chapter 197, Laws of 1941 (section 11218, Rem. Supp. 1941), is amended to read as follows:

Exemption
of tax for
charitable
gifts and
bequests.

Section 11. All gifts, bequests, devises and transfers of property situated within or under the jurisdiction of the State of Washington shall be exempt from the payment of any inheritance tax, when the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all gifts, bequests, devises and transfers of property made to the State of Washington, or to any county, incorporated city or town or school district therein, or to any public park or playground within the State of Washington, whether municipal or otherwise, and all gifts, bequests, devises, and transfers made to any municipal corporation within the State of Washington for eleemosynary, charitable, educational or philanthropic purposes, and all gifts, bequests, devises and transfers made to schools and colleges in the state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and

Gifts or
property to
state or
subdivision.

which is open to all persons upon equal terms, devises, bequests, gifts, and donations made to veterans' organizations of national scope, such as United Spanish War Veterans, American Legion, Veterans of Foreign Wars, and Disabled American Veterans, and any organization of veterans of World War II which hereafter may be organized, and to camps, posts or other units of such organizations located in the State of Washington, and any property in this state which has been given, devised, bequeathed or transferred for such purposes, and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington: *Provided further*, That all such gifts, bequests, devises and transfers of property for such purposes which pass out of the State of Washington to a corporation, society, institution or association organized or existing under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of decedent's death the said state or territory under the laws of which such corporation, society, institution or association was organized or existing did not impose a legacy of succession tax or a death tax of any character in respect of property transferred for such purposes to a corporation, society, institution or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory under which such corporation, society, institution or association organized or existing contained a reciprocal provision under which a transfer for such purpose to a corporation, society, institution or association organized or existing under the laws of another state or territory were exempted from legacy or succession taxes or death taxes of every character if such other state or territory allowed a similar exemption for such purpose to such a corporation,

Gifts to
veterans' or-
ganizations.

Proviso.

Reciprocity
to other
states.

Transfer upon refusal to other charitable purpose exempts tax.

society, institution or association organized or existing under the laws of another state or territory: *Provided further*, That if any person, corporation, association, institution or other beneficiary to whom any such gifts, bequests, devises and transfers of property for such purposes are made, shall not accept or receive the same or shall relinquish all right or claim thereto, and the donor, testator or transferor or other person who shall then become entitled thereto shall give, convey or transfer such property to or for any of the aforesaid purposes, within one year after the refusal of said person, corporation, association, institution, or other beneficiary to accept said bequest, then such property shall likewise be exempt from payment for such tax.

Passed the House March 5, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 225.

[S. B. 87.]

AUTOMOBILE POOL.

AN ACT relating to state government; authorizing the establishment of a centralized transportation service for state appointive offices, boards, commissions, departments and institutions; prescribing the duties of the Director of Highways in connection therewith; providing how said transportation service shall be financed and declaring that this act shall take effect April 1, 1943.

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

Central transport service.

Automobile pool.

SECTION 1. The Director of Highways is hereby authorized to establish a centralized transportation service, hereinafter referred to as the "automobile pool," as a means of providing all appointive state offices, boards, commissions, departments and insti-

tutions with automotive transportation required for the transaction of official state business.

SEC. 2. Said Director shall acquire by purchase from time to time a sufficient number of automobiles to fulfill the needs of such automobile pool, shall provide for the necessary storage, upkeep and repair of the same and establish means for servicing all vehicles in the pool with gasoline, lubricating oil and other necessary operating requirements.

Duties of
Director of
Highways.

SEC. 3. All officers and employees of the various state agencies mentioned in Section 1 shall, whenever transportation by motor vehicle is necessary on state business, present to the Director of Highways a written request for a vehicle which shall be furnished out of the automobile pool.

Furnish
cars on
written
request.

SEC. 4. The Director of Highways shall keep a check on the mileage of each vehicle in the pool when in the use of any state agency and at the end of each month shall bill the several using agencies on the basis of a mileage charge commensurate with the cost of operating the pool.

Mileage
check.

Agencies
billed for
cost.

SEC. 5. Any state office, board, commission, department or institution other than those mentioned in section 1 shall have the privilege of participating in the automobile pool whenever automotive transportation is needed for the transaction of official business and when so participating shall be subject to the same requirements, limitations and restrictions as are, by this act or by rules and regulations of the Director of Highways, imposed upon the state agencies mentioned in section 1.

Privilege
extended
to all
departments.

Subject
to rules.

SEC. 6. The establishment, maintenance and operation of the automobile pool shall be financed by the Director of Highways out of the Highway Equipment Fund, to which shall be credited all receipts from the pool operation and out of which shall be paid all necessary expenses incurred.

Finances.

Director to
make rules.

SEC. 7. The Director of Highways shall have power to promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

Use of
personal cars
permitted.

SEC. 8. This act shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor.

Effective
April 1, 1943.

SEC. 9. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Passed the Senate February 3, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 226.

[S. B. 176.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation, wage credits and benefits; providing certain wage credits for certain persons; placing certain duties on certain officers; making an appropriation; defining offenses and prescribing penalties; and repealing section 6, chapter 201, Laws of 1941 (section 10758-8, Rem. Supp. 1941).

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

Purpose.

SECTION 1. WHEREAS, economic insecurity for those men and women residents of the State of Washington who have been or will have been in the armed forces of the Military or Naval Services of the United States and any auxiliary organizations thereof during the present war would represent a total lack of public recognition for such service and constitute a serious menace to the health, morals and welfare of the people of this state, the State of Washington exercising herein its police and sovereign powers, does

hereby undertake to provide against such contingencies by affording protection against unemployment to the members of such services.

SEC. 2. The administration of this act shall be an integral part of the administration of the Washington Unemployment Compensation Act, chapter 162, Laws of 1937, as amended by chapter 214, Laws of 1939, as amended by chapter 253, Laws of 1941, sections 9998-101 to 9998-124, both inclusive, Remington's Revised Statutes, Supplement; section 9998-103a to 9998-119q, both inclusive, Rem. Supp. 1941. There shall be no separate administration provided for the effectuation of the provisions of this act and the responsibility for administering the same shall rest with the Commissioner of Unemployment Compensation and Placement.

Administra-
tion.

SEC. 3. Any person who was a member of the Army, Navy, Marine Corps or Coast Guard of the United States, or of any Air Corps thereof, or any component part or auxiliary unit thereof as of June 30, 1940, or who entered or shall have entered such services subsequent to June 30, 1940, and who satisfies the following requirements:

Require-
ments.

(1) Who has been honorably discharged or has been relieved from service with a certificate of satisfactory completion, or equivalent evidence thereof, and

Honorable
discharge.

(2) Who shall have resided within the State of Washington for a period of one (1) year immediately prior to entry into said service, proof of which residence shall be determined in such manner as the commissioner may by regulation prescribe, and

Resident
of state.

(3) Who shall file a claim for benefits under this section within three (3) years after honorable discharge, or equivalent evidence thereof, or after release from service with a certificate of satisfactory completion, or equivalent evidence thereof, or after the cessation of the present war hostilities, or after

Filing of
claim.

the date the Federal Government declares the present state of war emergency to have ceased, whichever is earliest, and who, in all other respects, meets the requirements of the Washington Unemployment Compensation Act, shall be eligible for and shall receive benefits from the Washington Unemployment Compensation Trust Fund, on the basis of one hundred and twenty dollars (\$120) wage credit for the first complete calendar month of such service and one hundred dollars (\$100) wage credit for each completed calendar month of such service thereafter to a total amount of seven hundred and twenty dollars (\$720), to be credited by the Commissioner of Unemployment Compensation and Placement to the same extent as if such person had earned such credits in "employment" as that term is defined in the Washington Unemployment Compensation Act. Such credits shall be deemed to have been earned within his "base year" as that term is defined in the Washington Unemployment Compensation Act. Any other wage credits, available under the provisions of the Washington Unemployment Compensation Act in the "base year," may be combined with the wage credits established by this act at the election of the claimant. No person shall be entitled to receive benefits under the provisions of this act who is at the same time receiving benefits under the provisions of the Washington Unemployment Compensation Act. No provision of this act shall prevent the filing of a separate claim for benefits under the Washington Unemployment Compensation Act.

Wage
credits.

Maximum.

Limitation.

Separate
claim may
be filed.

Appropriation
from
general
fund.

SEC. 4. There is appropriated from the General Fund of the State of Washington the sum of two million seven hundred and fifty thousand dollars (\$2,750,000) to the Treasurer of the State of Washington for the purpose of payment of contributions to the Washington Unemployment Compensation Trust Fund. The Treasurer of the State of Washington shall, one (1) year after the cessation of the pres-

ent war hostilities, or declaration of termination of the present state of war emergency, whichever is the earlier, pay out of this appropriation, to the Washington Unemployment Compensation Trust Fund, a sum to be determined as follows: two and seven-tenths per centum (2.7%) of the maximum wage credits as provided herein, for each person in such services between June 30, 1940, and the date of the cessation of the present war hostilities or declaration of termination of the present state of war emergency, whichever is the earlier: *Provided*, That if the Federal Government shall provide a separate and Federally operated or controlled system for the payment of benefits to any of the persons mentioned herein, this act shall become inoperative as of the effective date of such Federal provision and any unexpended portion of this appropriation in the hands of the Treasurer of the State of Washington shall revert to the General Fund of the State of Washington: *Provided further*, That if the Federal Government shall in any manner provide for reimbursement of the benefits paid under this act or shall credit moneys to the Washington Unemployment Compensation Trust Fund for the purpose or purposes of this act, then this act shall become inoperative as of the effective date of such provision and any unexpended portion of this appropriation in the hands of the Treasurer of the State of Washington shall revert to the General Fund of the State of Washington.

Treasurer
to disburse.

Per cent.

Proviso.

Proviso.

SEC. 5. The Adjutant General of the State of Washington shall advise the Treasurer of the State of Washington of the total number of persons as described in section 3 hereof who were in such services between June 30, 1940, and the date of the cessation of the present war hostilities or declaration of termination of the present state of war emergency, whichever is the earlier. Such information supplied by the Adjutant General of the State of Washington shall be used by the Treasurer of the State of Washington for

Adjutant
General
to advise
number
eligible.

the purpose of computing the contributions required in section 4 hereof.

Validity preserved.

SEC. 6. If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Penalty for false statement.

SEC. 7. Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, either for himself or for any other person, shall be guilty of a gross misdemeanor. This penalty shall be in addition to any penalty for any other crime involved in the same transaction, and anyone found guilty hereunder shall be denied any further benefits under this act.

Penalty additional.

Repeals.

SEC. 8. Section 6, chapter 201, Laws of 1941 (section 10758-8, Rem. Supp. 1941) is hereby repealed.

Passed the Senate February 19, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 227.

[S. B. 285.]

FRATERNAL INSURANCE.

AN ACT relating to insurance and to beneficiaries of fraternal insurance; and amending section 211, chapter 49, Laws of 1911, as amended by section 2, chapter 114, Laws of 1931 (section 7264, Remington's Revised Statutes).

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

SECTION 1. Section 211, chapter 49, Laws of 1911, as amended by section 2, chapter 114, Laws of 1931 (section 7264, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 211. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, or to a person or persons dependent upon the member, or the member or applicant, may with the consent of the society, make his or her estate the beneficiary: *Provided*, That if after the issuance of the original certificate the member shall become dependent upon a home maintained by the society for the dependent members or upon a subordinate lodge or society of the order of which he is a member, or upon an incorporated charitable institution, he shall have the privilege with the consent of the society, of making such home, lodge, society or institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules, or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, That any so- Beneficiaries limited.

Proviso.

Right of designation.

Proviso.

ciety may, by its laws, limit the scope of beneficiaries within the above classes.

Passed the Senate March 5, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 228.

[S. B. 205.]

REGULATING SPEED OF RAILWAY TRAINS.

AN ACT relating to the speed of railway trains within the limits of cities of the second class, third class, and towns, and transferring the right to regulate the speed of railway trains within the limits of said cities and towns to the State Department of Public Service.

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

Department
of Public
Service to
fix speed.

SECTION 1. The right to fix and regulate the speed of railway trains within the limits of cities of the second class, third class, and towns, is vested exclusively in the State Department of Public Service: *Provided, however,* That this act shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns.

Not apply
to street
railways.

Director to
issue order.

SEC. 2. After due investigation and within a reasonable time after the effective date of this act, the Director of Public Service shall make and issue an order fixing and regulating the speed of railway trains within the limits of cities of the second class, cities of the third class, and towns. The speed limit to be fixed by the Department shall be discretionary, and it may fix different rates of speed for different cities and towns, which rates of speed shall be commensurate with the hazard presented and the practical operation of the trains. The Department shall have the right from time to time, as conditions

Limits
may vary.

change, to either increase or decrease speed limits established under this act. May be changed.

Passed the Senate March 6, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 229.

[S. B. 151.]

RADIO STATIONS.

AN ACT relating to the broadcast of defamatory matter over the facilities of radio or television broadcasting stations.

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

SECTION 1. Where the owner, licensee, or operator of a radio or television broadcasting station, or the agents or employees thereof, has required a person speaking over said station to submit a written copy of his script prior to such broadcast and has cut such speaker off the air as soon as reasonably possible in the event such speaker deviates from such written script, said owner, licensee, or operator, or the agents or employees thereof, shall not be liable for any damages, for any defamatory statement published or uttered by such person in or as a part of such radio or television broadcast unless such defamatory statements are contained in said written script. Station not liable for deviations from written script.

SEC. 2. Nothing herein contained shall be construed as limiting the liability of any speaker or his sponsor or sponsors for defamatory statements made by such speaker in or as a part of any such broadcast. Liability of speaker or sponsor not limited.

SEC. 3. This act shall not be applicable to or affect any cause of action existing at the time this act becomes effective. Act not retroactive.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 230.

[S. B. 254.]

FLOOD CONTROL MAINTENANCE FUND.

AN ACT appropriating one hundred thousand dollars (\$100,000) from the General Fund to aid counties which shall establish flood control maintenance funds.

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

Appropriation from general fund.

Flood control with counties.

SECTION 1. There is hereby appropriated from the General Fund of the State of Washington the sum of one hundred thousand dollars (\$100,000) for the Department of Conservation and Development, Division of Flood Control, to be used for state participation in flood control projects and maintenance where counties shall appropriate not less than one-half ($\frac{1}{2}$) of the cost of such maintenance, under chapter 204, Laws of 1941 (sections 9625, 9626, 9627 and 9663F-1 to 9663F-7, both inclusive, Rem. Supp. 1941).

Passed the Senate March 5, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 231.

[S. B. 258.]

SECURITIES.

AN ACT providing for the regulation and supervision of the issuance and sale of certain securities to prevent fraud in the sale thereof; providing for the issuance of permits to sell securities by the Director of Licenses; providing for the issuance of pre-organization subscriptions, the payment of consideration therefor, and the licensing thereof; prescribing fees for permits; and amending sections 3 and 4, chapter 69, Laws of 1923 (sections 5853-3 and 5853-4, Remington's Revised Statutes), and section 3-a, chapter 69, Laws of 1923 as added by section 2, chapter 124, Laws of 1939 (section 5853-3-a, Remington's Revised Statutes, Supplement) and section 22, chapter 69, Laws of 1923, as amended by section 2, chapter 182, Laws of 1937, as amended by section 3, chapter 124, Laws of 1939 (section 5853-22, Remington's Revised Statutes, Supplement).

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

SECTION 1. Section 3, chapter 69, Laws of 1923 (section 5853-3, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 3. No company shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue, until it shall have first applied for and secured from the Director of Licenses a permit authorizing it so to do: *Provided*, This shall not apply to a sale for a delinquent stock assessment made in accordance with the provisions of the statutes of the State of Washington; nor shall it apply to original subscriptions to capital stock made by those who have signed the articles of incorporation of such corporation as *bona fide* incorporators thereof: *Provided*, That said articles of incorporation are not signed by more than fifteen (15) persons and that no part of such original issue of capital stock is taken for the purpose of public distribution. Director to issue permit.
Exception.
Pre-organization subscriptions excepted.
Limitation.

SEC. 2. Section 3-a, chapter 69, Laws of 1923, as added by section 2, chapter 124, Laws of 1939 (section 5853-3-a, Remington's Revised Statutes, Supplement), is amended to read as follows:

Subscription shares without permit.

Section 3-a. Subscriptions for the shares of a domestic or foreign corporation may be taken prior to the incorporation thereof without first procuring a permit therefor from the Director of Licenses; but, except as may be specifically required by any law of this state and except as to subscriptions made by persons who signed the articles of incorporation as *bona fide* incorporators thereof: *Provided*, That such persons are no more than fifteen in number, and that no part of the evidences of such subscription or the shares so subscribed for is acquired for the purpose of public distribution, no portion of the consideration to be paid on account of such pre-organization subscriptions shall be either collected or collectible, unless such corporation shall be incorporated within ninety days after such subscription is made, and also such corporation with reasonable diligence after incorporation shall apply to the Director of Licenses and shall procure from him a permit authorizing the issuance of the shares subscribed for in such pre-organization subscriptions and the collection thereof.

Maximum number of subscribers fifteen.

Must incorporate within 90 days.

Secure permit.

Permit to precede subscriptions.

Except as may be specifically required by any law of this state, no subscription shall be taken for any security of any company other than a domestic or foreign corporation, nor shall any portion of the consideration to be paid thereon be either collected or collectible unless and until a permit shall have been issued by the Director of Licenses authorizing the taking of such subscriptions and the collection thereof.

Amendments.

SEC. 3. Section 4, chapter 69, Laws of 1923 (section 5853-4, Remington's Revised Statutes), is amended to read as follows:

Section 4. All applications shall be in writing, verified as provided by the statutes of the State of Washington for the verification of pleadings, and filed in the office of the Director of Licenses.

Applications
in writing.

(1) Applications shall set forth—

Contents.

(a) The names, addresses and occupations of the officers of the company;

(b) The location of the office of the company;

(c) A statement of the assets and liabilities of the company as of a date within thirty days, prior to the filing of its application, or such reasonable statement thereof as shall be prescribed by the Director of Licenses;

(d) A statement of the plan upon which the company proposes to transact business;

(e) The number of shares in the treasury of the company and the amount to be paid agents for the sale of stock;

(f) A copy of any security the company proposes to issue, and of any contract it proposes to make concerning the same;

(g) A copy of any circular, prospectus, advertisement, or other advertising matter which is proposed to be issued in connection with the sale of its securities;

(h) Any such additional information concerning the affairs of the company as the Director of Licenses may reasonably require.

(2) If the applicant is a co-partnership or an unincorporated association or joint stock company, it shall file with its application a copy of its articles of co-partnership or association, and all other papers pertaining to its organization.

Other re-
quirements.

(3) If the applicant is a trustee, it shall file with its application a copy of all instruments by which the trust is created and in which it is accepted, acknowledged and declared.

(4) If the applicant is a corporation, it shall file with its application a copy of all minutes of any pro-

Proviso.

ceedings of its directors or stockholders or members relating to or affecting the issue of such securities, and also a copy of its articles of incorporation and of its by-laws and of any amendments thereto: *Provided, however,* That in the event the applicant has a registration statement in effect with the Federal Securities and Exchange Commission under the Securities Act of 1933, a copy of the prospectus filed with that commission as a part of said registration statement may be accepted by the Director of Licenses in lieu of the information or any part thereof required under subsections (1) to (4), inclusive, of this section.

Amendments.

SEC. 4. Section 22, chapter 69, Laws of 1923, as amended by section 2, chapter 182, Laws of 1937, as amended by section 3, chapter 124, Laws of 1939 (section 5853-22, Remington's Revised Statutes, Supplement), is amended to read as follows:

Fee schedule.

Section 22. *Fees—Schedule.* The Director of Licenses shall charge the following fees:

(1) For filing an application for permit to issue securities twenty-five dollars (\$25.00) for any issue of securities in the amount of fifty thousand dollars (\$50,000.00) or less, fifty dollars (\$50.00) for any issue of securities in an amount over fifty thousand dollars (\$50,000.00) but not more than one hundred thousand dollars (\$100,000.00), and one hundred dollars (\$100.00) for any issue of securities in an amount over one hundred thousand dollars (\$100,000.00): *Provided,* That the determination of the amount of any issue of securities under the provisions of this section shall be based on the initial aggregate offering price of said issue.

(2) For filing an application for a broker's certificate twenty-five dollars (\$25.00), and ten dollars (\$10.00) for each and every year after the first year.

(3) For filing an application for an agent's certificate five dollars (\$5.00), and two dollars (\$2.00) for each and every year thereafter.

(4) For filing an application for collection of pre-organization subscriptions ten dollars (\$10.00).

Fees for furnishing copies of papers and records shall be as now provided by law.

Passed the Senate March 4, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 232.

[S. B. 261.]

NON-RESIDENTS' FISHING LICENSES.

AN ACT relating to state fishing licenses for non-residents of the state and providing for free fishing and hunting licenses for certain groups.

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

SECTION 1. Any person not a resident of the State of Washington but who shall be temporarily sojourning in the State of Washington may, by paying to the Director of Game or any person deputized or designated by him to issue licenses and collect fees therefor, the sum of one dollar and fifty cents (\$1.50), obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state for a period of ten (10) days following the date of its issuance, when it would otherwise be lawful to fish within said county.

Non-resident fishing license.

Fee.

Time limit.

SEC. 2. Any person who is a veteran of the Civil War or the Spanish-American War, and who is a *bona fide* resident of the State of Washington at the time of making application for a state or county hunting or fishing license, and who, on applying for the same makes an affidavit showing that he has these qualifications, shall be given such license free of charge.

Certain war veterans to receive free licenses.

Affidavit.

Free licenses
to blind.

SEC. 3. All blind persons who are *bona fide* residents of the State of Washington may obtain a state or county fishing license free of charge.

Veterans
over 65 with
service
connected
disability.

SEC. 4. Any person who is sixty-five years or over, and who is an honorably discharged veteran of the United States military and naval forces having a service connected disability, and who has been an actual resident of this state for five years immediately preceding his application for a state or county hunting license, and who, on applying for the same, makes an affidavit showing that he has these qualifications, shall be given such license free of charge.

Affidavit.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 233.

[S. B. 265.]

WAR RESERVE EMERGENCY APPROPRIATION.

AN ACT relating to state government, appropriating the sum of two million five hundred thousand dollars (\$2,500,000) for emergency purposes and declaring an emergency.

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

Appropriation
to State
Finance
Committee.

SECTION 1. There is hereby appropriated to the State Finance Committee from any moneys not otherwise appropriated in the general fund, for the fiscal biennium ending March 31, 1945, the sum of two million five hundred thousand dollars (\$2,500,000) or so much thereof as shall be found necessary, the same to be used by the State Finance Committee as a war reserve to meet special emergencies arising as a result of the present war, the precise nature of which cannot now be foreseen, and for

War-reserve.

which, in consequence, the legislature cannot at this time reasonably appropriate funds allocated to specific items.

SEC. 2. In the event of the termination of the war before March 31, 1945, any unexpended balance of the appropriation made by this act shall upon the happening of such event immediately revert to the general fund.

Balance to revert if war ends.

SEC. 3. No expenditures shall be made against this appropriation except with the unanimous consent and approval of the State Finance Committee.

Unanimous consent to expend.

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

Effective immediately.

Passed the Senate March 10, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 234.

[S. B. 273.]

DISSOLUTION OF DIKING DISTRICTS.

AN ACT relating to the dissolution of diking districts situate in first class counties containing a first class city, supplementing section 1, chapter 14, Laws of 1915 (section 4341, Remington's Revised Statutes).

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

SECTION 1. Any diking district situate in any first class county of the State of Washington, and which county contains a first class city, may be dissolved by the approval of a majority of the voters of such district at an election to be held in such district for such purpose.

Majority vote to dissolve.

SEC. 2. The Commissioners of any such diking district may by resolution petition the county elec-

Petition for election.

Vote in conjunction with general election.

tion board of the county in which such district is situate to call a special election to be held in conjunction with the next general election to be held in such district for the election of Diking District Commissioners for the purpose of determining whether such district shall be dissolved. If a majority of the voters voting at such special election shall vote in favor of such dissolution, such diking district shall be deemed to be dissolved: *Provided*, That the Commissioners of such dissolved diking district shall continue in office for such time as is necessary to comply with section 2, chapter 165, Laws of 1907 (section 4342, Remington's Revised Statutes): *Provided further*, That the provisions of this act shall expire and be of no force and effect after April 1, 1945.

Commissioners continue in office.

Expiration date of act.

Reasons to be stated.

SEC. 3. The resolution to the county election board mentioned in section 2 of this act shall state the reasons why such district should be dissolved and shall be accompanied by a petition for dissolution of such district signed by the owners of a majority of the area of the land in such district.

Act supplemental.

SEC. 4. This act is in addition and supplemental to section 1, chapter 14, Laws of 1915 (section 4341. Remington's Revised Statutes).

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 235.

[S. B. 280.]

DISTRIBUTION OF GAS TAX MONIES.

AN ACT authorizing and directing the appointment of a legislative committee to employ a non-resident person or firm to make a study of county road requirements, percentages and complete system of state's distribution of gas tax monies to the various counties; requiring that said study and report be retained by the makers as confidential and published for first time after convening of the next legislature; making appropriation out of counties' present share of gas tax monies for payment of necessary fees and expenses in connection with such study and report, and declaring an emergency.

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

SECTION 1. The Speaker of the House of Representatives and the President of the Senate are hereby authorized and directed to appoint three (3) members, respectively, from the House and from the Senate to serve as an Interim Committee, until the meeting of the next legislature in January, 1945, in accordance with the following provisions and for the following purposes:

Interim committee created.

Said Committee, before the close of the present session, shall meet, select a Chairman and Secretary thereof and shall designate a time and place for its next meeting to be held within thirty (30) days after the close of this legislative session for purposes of considering the selection and employment of a non-resident expert, or more than one such expert to make a complete and exhaustive study, report and recommendations regarding distribution of gas tax moneys to the various counties for the legislature meeting in January of 1945. Such non-resident expert or experts shall be by said Committee hired for such purposes within four (4) months after the close of the present session.

Purposes.

Employ experts.

Study and report.

SEC. 2. After the hiring of such expert or experts as provided in section 1 hereof, the Committee

Committee duties limited.

Approval of
vouchers.

shall have no further duties other than through its Chairman and its Secretary to approve any and all vouchers submitted by such expert or experts for payment of wages, salaries and expenses incurred in making said study, report and recommendations, and to see that the provisions of section 3 hereof are fully carried out by the person or persons, hired by said Committee.

Experts to
make study
and report.

SEC. 3. Any person or persons, so hired by said Committee shall make a complete and exhaustive study and report of the road fund needs of each county, considering any and all factors entering into or in any manner affecting the construction, maintenance and operations of county roads. Such study and report shall include but shall not be limited to:

Report to
include.

(1) An examination of the present county roads in each county and consideration of future road requirements for such county; (2) examination of the use to which gas tax moneys are now devoted in and the estimated future requirements of each county; (3) adequacies or inadequacies of the present system of statutory percentage, allocation and distribution of state gas tax moneys to the various counties.

Compilers
to submit
recom-
mendations.

After the completion of the aforesaid study and report, the compiler or compilers thereof shall make such recommendations as in the opinion of the compiler or compilers may seem necessary to acquire for the state a fair, just and equitable distribution of state gas tax moneys for county road purposes. The study, report, recommendations, data, information, formula, factors and all things pertaining thereto shall be kept entirely confidential, disclosed to no person and shall be submitted to the legislature one (1) week after the convening of the January, 1945, session for the first opening, examination and publication thereof.

Findings
confidential.

Submit to
legislature.

SEC. 4. Any and all information in the various state and county offices in any manner pertaining to county roads and distribution of gas tax moneys shall be made available to the compilers for their aforesaid study and report upon their request therefor.

Data to be available.

SEC. 5. Members of the aforesaid Committee shall serve without compensation but shall be allowed their reasonable and necessary expenses in traveling to and from committee meetings and while attending such meetings.

Committee to receive expenses.

SEC. 6. There is hereby appropriated from the Motor Vehicle Fund, said appropriation to be made from the net tax amount in the Motor Vehicle Fund available for allocation to counties, the sum of fifty thousand dollars (\$50,000), or so much thereof as shall be necessary, which sum shall be available for fees, salaries, wages in such amount as the Committee may determine and expenses incurred in connection with the making of the aforesaid report and survey, which moneys shall be paid upon vouchers approved by the Chairman and Secretary of the aforesaid Committee. Any balance remaining in the fund at the completion of the report and survey shall be distributed among the various counties in accordance with the present percentages of distribution of gas tax monies to said counties.

Appropriation from M. V. fund.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 4, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 236.

[S. B. 290.]

REFUNDS ON HUNTING LICENSES AND
BIG GAME SEALS.

AN ACT relating to game; providing for refunds of certain licenses and Big Game Seals; and declaring an emergency.

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

Refunds
under
certain
circum-
stances.

SECTION 1. The Director of Game is hereby authorized to create a Special Revolving Fund, in such amount as he shall deem necessary, in the license department of the Department of Game. From such Special Revolving Fund there shall be paid refunds, for the license year ending on the first day of January, 1943, and for all subsequent years, to any person who makes a showing under oath, satisfactory to the Director of Game, that he procured a county hunting and fishing license in the county in which he resides, and procured a Big Game Seal to hunt or kill game animals in the county in which he resides, but did not actually participate in any of such hunting due to the fact that the Director of Game and/or State Game Commission closed all hunting areas in such county so as to render the issuance and use of such license and Big Game Seal of no value to the licensee and purchaser thereof.

Effective
immediately.

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

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 237.

[S. B. 296.]

DAMAGE BY DEER AND ELK.

AN ACT relating to deer and elk damage; providing for means to prevent damage; making an appropriation; prescribing certain powers to the Director of Game and State Game Commission; and declaring that this act shall take effect April 1, 1943.

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

SECTION 1. It is declared to be the finding of the legislature that the successful policies of the state with respect to game management have resulted in seasonal deer and elk concentrations within certain cultivated agricultural and horticultural areas of the state giving rise to numerous damage inflictions upon cultivated agricultural and horticultural crops, for which no adequate mode of prevention or relief has been provided; that the public interest will not be subserved by retrenching in the matter of wild life conservation or propagation; that it is to the public interest to minimize such damage as much as possible and to provide as nearly as may be a reasonable program of prevention of such damage; and that this act is passed in furtherance of the public peace and welfare.

Declaration of purpose.

SEC. 2. In order to reduce to a minimum, damage inflictions by deer and elk upon cultivated agricultural and horticultural crops, and to pay for such damage claims as the Commission may deem just the State Game Commission is hereby authorized and empowered in its discretion to enter into cooperative agreements with agricultural and horticultural farmers or associations of farmers in the matter of deer and elk damage and of their herding and feeding, and for the erection and maintenance of such fencing facilities as will tend to prevent the access of deer and elk to such crops. To carry out

Commission to enter cooperative agreements.

Prevent damage to crops.

Appropriation.

the provisions of this section there is hereby appropriated to the State Department of Game out of the State Game Fund the sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary.

Marauding animals may be killed.

SEC. 3. The State Game Commission is hereby empowered to cause or permit any marauding deer or elk to be killed whenever it is deemed that the same is or was necessary to prevent damage to cultivated agricultural and horticultural crops.

Effective April 1, 1943.

SEC. 4. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1943.

Passed the Senate March 11, 1943.

Passed the House March 11, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 238.

[S. B. 297.]

JURORS.

AN ACT relating to the selection of jurors in the Superior Courts, and amending section 3, chapter 57, Laws of 1911, as amended by section 1, chapter 26, Laws of 1921, as amended by section 1, chapter 191, Laws 1925 Extraordinary Session (section 96, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 3, chapter 57, Laws of 1911, as amended by section 1, chapter 26, Laws of 1921, as amended by section 1, chapter 191, Laws 1925 Extraordinary Session (section 96, Remington's Revised Statutes), is amended to read as follows:

Courts to create jury districts.

Section 3. The Judge or Judges of the Superior Court of each county shall divide the county into not less than three jury districts, following the lines of voting precincts and arranging the districts in

such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the Court and entered upon its records. For the purposes of this section the Clerk or Comptroller of each incorporated city or town designated as registrar of voters by chapter 1, Laws of 1933, as amended by section 1, chapter 15, Laws of 1939 and as amended by section 1, chapter 82, Laws of 1939 (sections 5114-1 to 5114-31, Remington's Revised Statutes, Supplement) except the registrars of voters in the city or town which is the county seat of any county, shall prepare annually from the original registration files of voters of such city or town a list specifying with respect to each name appearing on said list all the information upon the original registration card of each qualified voter, and shall certify and file such list with the County Auditor of his county on or before the first day of June of each year. During the month of July of each year the Judge or Judges of the Superior Court for each county shall select from said list and from the original registration files of voters of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters in the office of the County Auditor of said county, and other sources and enter in a book kept for that purpose and shall certify and file with the County Clerk a jury list containing the names of a sufficient number of qualified persons of fit character and intelligence to serve as jurors until the first day of August of the next calendar year. The Judge or Judges may call (but are not required to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of five dollars (\$5) per day and the mileage allowed Sheriffs, upon vouchers approved by the Judge or Presiding Judge of the county. In making the selec-

Evidenced
by order.

Voting lists
to be
furnished.

Judges to
select list.

Judges may
seek advice.

Judges not bound.

List may be revised.

Numbers to be proportional.

Provisions for drawing.

tion the Judge or Judges shall not be bound by the list of names filed with the County Clerk as in this section provided, but may select qualified persons not included in the list. At any time and from time to time the judges may revise the jury list by striking therefrom or adding thereto, and when this is done a certified list of the names stricken or added shall be filed with the Clerk. The number of persons selected from the several jury districts shall be as nearly in proportion to the number of names on the list certified and filed with the County Clerk for the several districts as due regard to the fitness of persons to be selected will permit. Any woman who upon being listed upon the list as in this section provided shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors. The County Clerk shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing of names for any venire there must be in the jury boxes at least five (5) times as many names as the number of names to be drawn.

Passed the Senate March 4, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 239.

[S. B. 298.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways; creating and establishing, describing and designating additions to the Primary State Highways of the State of Washington; eliminating certain Secondary State Highways from the Secondary State Highway System; amending sections 2, 3 and 12, chapter 207, Laws of 1937 (sections 6402-2, 6402-3 and 6402-12, Remington's Revised Statutes, Volume 7A); and declaring an emergency and that this act shall take effect April 1, 1943.

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

SECTION 1. There is hereby established an extension to Primary State Highway No. 5, described as follows: Beginning at a point on Primary State Highway No. 5 in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5 in the vicinity north of Cliffdell.

Primary State Highway No. 5 extended.

SEC. 2. There is hereby established an extension to Primary State Highway No. 7, described as follows: Beginning at a point on Primary State Highway No. 7 in the vicinity of Harrington, thence in a northeasterly direction by the most feasible route to connect with Primary State Highway No. 11 in the vicinity of Four Lakes.

Vetoed.

SEC. 3. There is hereby established an extension to Primary State Highway No. 8, described as follows: Beginning in the vicinity of Maryhill, running thence easterly by the most feasible route along the north bank of the Columbia river to a point in the vicinity of Plymouth, thence in a northeasterly direction to a junction with Primary State Highway No. 3 in the vicinity of Kennewick.

Primary State Highway No. 8 extended.

Primary
State
Highway
No. 15
extended.

SEC. 4. There is hereby established an extension to Primary State Highway No. 15, described as follows: Beginning at a junction with Primary State Highway No. 15 in the vicinity of Monroe, thence by way of the most feasible route to Bothell: *Provided*, That construction will not be commenced on the portion of this highway between the vicinity of Monroe and Bothell until the completion of the reconstruction of that portion of Primary State Highway No. 15 from Cavalero's Corners eastward as far as Monroe.

Primary
State
Highway
No. 18
extended.

SEC. 5. There is hereby established an extension to Primary State Highway No. 18, described as follows: Beginning at a point on Primary State Highway No. 11 in the vicinity of Ritzville, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 3 in the vicinity north of Colfax.

Amend-
ments.

SEC. 6. Section 2, chapter 207, Laws of 1937 (section 6402-2, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Branches of
Primary
State High-
way No. 1.

Section 2. Secondary state highways as branches of Primary State Highway No. 1, are hereby established according to designation and description as follows:

Secondary
State
Highway
No. 1A.

(a) Secondary State Highway No. 1A; beginning at Blaine on Primary State Highway No. 1, thence in an easterly direction by the most feasible route to a point east of Van Buren, thence in a southerly direction by the most feasible route to an intersection with Primary State Highway No. 1 in the vicinity west of Deming, thence following the route of Primary State Highway No. 1 to a point east of Deming, thence in a southerly direction by the most feasible route by way of Sedro Woolley, Arlington and Snohomish to an intersection with Primary State Highway No. 2 in the vicinity south-east of Bothell; also beginning at a junction with

Secondary State Highway No. 1A in the vicinity east of Van Buren, thence in a northerly direction by the most feasible route to the international boundary in the vicinity west of Sumas;

(b) Secondary State Highway No. 1B; beginning at Bellingham on Primary State Highway No. 1, thence in a northerly direction by the most feasible route to an intersection with Secondary State Highway No. 1A; thence in a northerly direction by the most feasible route to the international boundary in the vicinity east of Delta;

Secondary
State
Highway
No. 1B.

(c) 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 by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity of Whitney; also beginning at Burlington on Primary State Highway No. 1, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity east of Whitney;

Secondary
State
Highway
No. 1C.

(d) Secondary State Highway No. 1D; beginning at a junction with Primary State Highway No. 1 in the vicinity southeast of Anacortes, thence southerly by the most feasible route by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidby Island;

Secondary
State
Highway
No. 1D.

(e) Secondary State Highway No. 1E; beginning at Conway on Primary State Highway No. 1, thence in a southerly direction by the most feasible route by way of East Stanwood, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1, thence in an easterly direction by the most feasible route to Arlington on Secondary State Highway No. 1A;

Secondary
State
Highway
No. 1E.

(f) Secondary State Highway No. 1F; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Allen, thence in an easterly direction by the most feasible route to a junc-

Secondary
State
Highway
No. 1F.

tion with Primary State Highway No. 1 in the vicinity north of Burlington, thence in an easterly direction by the most feasible route to Sedro Woolley on Secondary State Highway No. 1A;

Secondary
State
Highway
No. 1G.

(g) Secondary State Highway No. 1G; beginning at Mt. Vernon on Primary State Highway No. 1, thence in an easterly direction by the most feasible route to a junction with Secondary State Highway No. 1A;

Secondary
State
Highway
No. 1H.

(h) Secondary State Highway No. 1H; beginning at Conway on Primary State Highway No. 1, thence in a southeasterly direction by the most feasible route to McMurray on Secondary State Highway No. 1A;

Secondary
State
Highway
No. 1I.

(i) Secondary State Highway No. 1I; beginning at Everett on Primary State Highway No. 1, thence in a westerly direction by the most feasible route to Mukilteo, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of Everett;

Secondary
State
Highway
No. 1J.

(j) Secondary State Highway No. 1J; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Seattle, thence in an easterly direction by the most feasible route to the vicinity of Lake Washington, thence in a southeasterly direction by the most feasible route to Seattle in the vicinity of the Naval Air Station at Sandpoint;

Secondary
State
Highway
No. 1K.

(k) Secondary State Highway No. 1K; beginning at Seattle on Primary State Highway No. 1, thence in a southerly direction by the most feasible route to Des Moines, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
State
Highway
No. 1L.

(l) Secondary State Highway No. 1L; beginning at a junction with Primary State Highway No. 5 in the vicinity south of Renton, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1, thence in a westerly direction by the most feasible route to a

junction with Secondary State Highway No. 1K near Sunnydale;

(m) Secondary State Highway No. 1M; beginning at a junction with Primary State Highway No. 1, in the vicinity south of Tumwater, thence in a southwesterly direction by the most feasible route to a junction with Primary State Highway No. 9 in the vicinity of Rochester;

Secondary
State
Highway
No. 1M.

(n) Secondary State Highway No. 1N; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Centralia, thence in a northwesterly direction by the most feasible route to a junction with Primary State Highway No. 9 in the vicinity of Rochester;

Secondary
State
Highway
No. 1N.

(o) Secondary State Highway No. 1P; beginning at Toledo on Primary State Highway No. 1, thence in a southwesterly direction by the most feasible route by way of Vader to Ryderwood;

Secondary
State
Highway
No. 1P.

(p) Secondary State Highway No. 1Q; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Toledo, thence in an easterly and southerly direction by the most feasible route to a junction with Secondary State Highway No. 1R in the vicinity north of Toutle;

Secondary
State
Highway
No. 1Q.

(q) Secondary State Highway No. 1R; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by the most feasible route by way of St. Helens to the boundary of the Columbia National Forest in the vicinity northwest of Mt. St. Helens;

Secondary
State
Highway
No. 1R.

(r) Secondary State Highway No. 1S; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Woodland, thence in an easterly direction by the most feasible route to Amboy, thence in a southerly direction by the most feasible route to Battleground, thence in a westerly direction by the most feasible route to a junction with

Secondary
State
Highway
No. 1S.

Primary State Highway No. 1 in the vicinity north of Vancouver;

Secondary State Highway No. 1T.

(s) Secondary State Highway No. 1T; beginning at Vancouver on Primary State Highway No. 1, thence in a northerly direction by the most feasible route by way of Sara to Ridgefield, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of LaCenter;

Secondary State Highway No. 1U.

(t) Secondary State Highway No. 1U; beginning at Battleground on Secondary State Highway No. 1S, thence in a southerly direction by the most feasible route to Orchard on the Secondary State Highway No. 8A;

Secondary State Highway No. 1V.

(u) Secondary State Highway No. 1V; beginning at Tacoma on Primary State Highway No. 1, thence in a northeasterly direction by the most feasible route by way of Redondo to Des Moines on Secondary State Highway No. 1K;

Secondary State Highway No. 1W.

(v) Secondary State Highway No. 1W; beginning at a junction with Primary State Highway No. 1 in the vicinity of the Snohomish-King county line, thence in a northwesterly direction by the most feasible route to Edmonds;

Secondary State Highway No. 1X.

(w) Secondary State Highway No. 1X; beginning at a junction with Primary State Highway No. 1 in the vicinity of Milton, thence in an easterly direction by the most feasible route by way of Milton to a junction with Secondary State Highway No. 5D in the vicinity east of Milton.

Amendments.

SEC. 7. Section 3, chapter 207, Laws of 1937 (section 6402-3, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Branches of Primary State Highway No. 2.

Section 3. Secondary state highways as branches of Primary State Highway No. 2 are hereby established according to designation and description as follows:

(a) Secondary State Highway No. 2A; beginning at Renton on Primary State Highway No. 2, thence in a northerly direction by the most feasible route by way of Kirkland to a junction with Primary State Highway No. 2 in the vicinity of Bothell;

Secondary
State
Highway
No. 2A.

(b) Secondary State Highway No. 2B; beginning at a junction with Primary State Highway No. 2 in the vicinity of Lake Forest Park, thence in a northwesterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity of the Snohomish county line;

Secondary
State
Highway
No. 2B.

(d) 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 by the most feasible route to the west of Lake Sammamish to Redmond on Primary State Highway No. 2, thence in a westerly direction by the most feasible route to Kirkland on Secondary State Highway No. 2A;

Secondary
State
Highway
No. 2D.

(e) 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 the most feasible route by way of Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum;

Secondary
State
Highway
No. 2E.

(f) Secondary State Highway No. 2F; beginning at a junction with Primary State Highway No. 2 in the vicinity north of Coulee City, thence in a northeasterly direction by the most feasible route to the boundary of the Federal reservation at the Grand Coulee Dam;

Secondary
State
Highway
No. 2F.

(g) Secondary State Highway No. 2G; beginning at a junction with Primary State Highway No. 2 in the vicinity west of Reardon, thence in a southerly direction by the most feasible route by way of Edwall to a junction with Secondary State Highway No. 11F in the vicinity northwest of Sprague;

Secondary
State
Highway
No. 2G.

(h) Secondary State Highway No. 2H; beginning at Spokane on Primary State Highway No. 2,

Secondary
State
Highway
No. 2H.

thence in an easterly direction by way of Millwood to a junction with Primary State Highway No. 2 in the vicinity of the Washington-Idaho boundary line;

Secondary
State
Highway
No. 2I.

(i) Secondary State Highway No. 2I; beginning at a junction with Primary State Highway No. 2 in the vicinity of Virden, thence in a southerly direction by the most feasible route to a junction with Primary State Highway No. 3 in the vicinity southeast of Teanaway.

Amend-
ments.

SEC. 8. Section 9, chapter 207, Laws of 1937 (section 6402-9, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Branches of
Primary
State High-
way No. 8.

Section 9. Secondary state highways as branches of Primary State Highway No. 8 are hereby established according to designation and description as follows:

Secondary
State
Highway
No. 8A.

(a) Secondary State Highway No. 8A; beginning at Vancouver on Primary State Highway No. 8, thence in a northeasterly direction by the most feasible route to Orchard, thence in a southeasterly direction by the most feasible route to Camas on Primary State Highway No. 8;

Secondary
State
Highway
No. 8B.

(b) Secondary State Highway No. 8B; beginning at Washougal on Primary State Highway No. 8, thence in a northerly and easterly direction by the most feasible route following the general course of the Washougal river to a junction with Primary State Highway No. 8 east of Washougal;

Secondary
State
Highway
No. 8C.

(c) Secondary State Highway No. 8C; beginning at a junction on Primary State Highway No. 8 east of Stevenson, thence in a northwesterly direction by the most feasible route following the general course of the Wind river to the boundary of Columbia National Forest;

Secondary
State
Highway
No. 8D.

(d) Secondary State Highway No. 8D; beginning at a junction with Primary State Highway No. 8 in the vicinity of White Salmon, thence in a northerly direction by the most feasible route to the boundary of the Columbia National Forest;

(e) Secondary State Highway No. 8E; beginning at Prosser on Primary State Highway No. 3, thence in a southerly direction by the most feasible route to a point in the vicinity of Paterson on the north bank of the Columbia river.

Secondary
State
Highway
No. 8E.

SEC. 9. Section 12, chapter 207, Laws of 1937 (section 6402-12, Remington's Revised Statutes, Volume 7a), is amended to read as follows:

Amend-
ments.

Section 12. Secondary state highways as branches of Primary State Highway No. 11 are hereby established according to designation and description as follows:

Branches of
Primary
State High-
way No. 11.

(a) Secondary State Highway No. 11A; beginning at Connell on Primary State Highway No. 11, thence in a westerly direction by the most feasible route to Yakima on Primary State Highway No. 3; the Director of Highways of the State of Washington shall provide suitable facilities for vehicle and pedestrian crossing of the Columbia river at the point where Secondary State Highway No. 11A, as herein described, crosses the river, and shall maintain said means of crossing at the expense of the State of Washington and without charge to the traveling public;

Secondary
State
Highway
No. 11A.

(b) Secondary State Highway No. 11B; beginning at Dusty on Primary State Highway No. 3, thence in a westerly direction by the most feasible route by way of Washtucna to a junction with Primary State Highway No. 11, in the vicinity south of Connell;

Secondary
State
Highway
No. 11B.

(c) Secondary State Highway No. 11C; beginning at Sprague on Primary State Highway No. 11, thence in a southeasterly direction by the most feasible route to a point in the vicinity of Ewan;

Secondary
State
Highway
No. 11C.

(d) Secondary State Highway No. 11E; beginning at Ritzville on Primary State Highway No. 11, thence in a southerly direction by the most feasible

Secondary
State
Highway
No. 11E.

route to Washtucna on Secondary State Highway No. 11B;

Secondary
State
Highway
No. 11F.

(e) Secondary State Highway No. 11F; beginning at Sprague on Primary State Highway No. 11, thence in a northwesterly direction by the most feasible route to Harrington on Primary State Highway No. 7.

Saving
clause.

SEC. 10. If any section, sentence, clause or phrase of this act should be declared to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Effective
April 1, 1943.

SEC. 11. This act is necessary for the preservation of the public peace, health and safety of this state and the support of the state government of the State of Washington and its existing institutions, and shall take effect on the first day of April, 1943.

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943, with the exception of section 2, which is vetoed.

CHAPTER 240.

[S. B. 301.]

DENTISTRY.

AN Act relating to dentistry; providing that certain practices shall constitute the practice of dentistry and prohibiting certain persons from engaging in such practices and amending chapter 112, Laws of 1935, as amended by section 1, chapter 145, Laws of 1937 (sections 10031-1 to 10031-31, both inclusive, Remington's Revised Statutes, Supplement), by adding thereto a new section immediately following section 6 and to be known as section 6a.

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

SECTION 1. Chapter 112, Laws of 1935, as amended by section 1, chapter 145, Laws of 1937 (sections 10031-1 to 10031-31, both inclusive, Remington's Revised Statutes, Supplement), is amended by adding thereto a new section immediately following section 6 to be known as 6a to read as follows:

Amendment
by adding
new section.

Section 6a. X-Ray diagnosis as to the method of dental practice in which the diagnosis and examination of the normal and abnormal structures, parts or functions of the human teeth, the alveolar process, maxilla, mandible or soft tissues adjacent thereto, is hereby declared to be the practice of dentistry. Any person who makes any diagnosis or makes any interpretation or explanation, or who attempts to diagnose or to make any interpretation, or explanation by word of mouth, writing or otherwise of the registered shadow or shadows of any part of the human teeth, alveolar process, maxilla, mandible or soft tissues adjacent thereto by the use of X-Ray is hereby declared to be engaged in the practice of dentistry, medicine or surgery: *Provided*, That nothing in this act shall be construed as preventing a regularly licensed physician and surgeon from

X-Ray diag-
nosis of
teeth con-
stitutes
dentistry.

Proviso.

making any such diagnosis, interpretation or explanation.

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 241.

[H. B. 39.]

AIR RAIDS.

AN ACT relating to blackouts and other precautionary measures against air raids and other forms of attack during the existing state of war, and prescribing penalties.

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

War Council to direct attack precautions.

SECTION 1. *Blackouts and Other Precautionary Measures Against Air Raids and Other Forms of Attack.*

Precautions designated.

(a) To protect life and property, a War Council, consisting of the Governor, the Lieutenant-Governor and the Insurance Commissioner is hereby created, authorized and empowered to carry out, throughout the state or in any area thereof, precautionary measures against air raids and other forms of attack, including practice blackouts, blackouts, radio silences, and such other measures as will suppress any activity which may assist an enemy and such other precautionary measures as will prevent or minimize the loss of life or injury to persons and property which might result from such attacks, and to make, amend, or rescind such orders, rules, and regulations as may be deemed necessary in connection therewith: *Provided*, That no such action, order, rule or regulation shall be inconsistent with any action, order, rule, or regulation of the armed forces of the United States or of the Federal Director of Civilian Defense. Blackouts and radio silences shall

Make rules.

Consistent with Federal rules.

be carried out only in such areas, at such times, and for such period, as shall be designated by air raid warnings or orders with respect thereto issued by the United States Army, or its duly designated agency, and only under such conditions and in such manner as shall be consistent with any such warning or order; and practice blackouts shall be held only when and as authorized by the United States Army or its duly designated agency.

Army to designate areas and times.

(b) The War Council is authorized to delegate in writing, whenever it shall determine the circumstances warrant, the authority granted by this act to carry out precautionary measures to such agencies or persons as it may designate or appoint for such purpose, or as may be designated or appointed for such purpose pursuant to orders, rules, or regulations promulgated pursuant to this act, and to modify or revoke such authority at any time.

May delegate authority.

(c) The War Council is further authorized to act in concert with the authorities of other states to effect such synchronization and uniformity of blackouts and other precautionary measures as may be necessary to carry out the intent and purpose of this act.

Cooperate with other states.

(d) To protect life and property, the governing body of each political subdivision of the state is hereby authorized to carry out in its jurisdiction such precautionary measures as may be ordered by the War Council and such additional precautionary measures as such governing body may deem necessary, and to make, amend, or rescind such orders, rules, and regulations as may be deemed necessary in connection therewith, subject, however, to the limitations and provisions of paragraph (a) of this section: *Provided, however,* That no such action, order, rule, or regulation shall be inconsistent with any action, order, rule, or regulation taken or promulgated by the War Council or by the Armed Forces of the United States or their duly designated

Subdivisions of state to carry out measures.

Consistent with federal rules.

agency, or by the Federal Director of Civilian Defense.

May provide uniformity.

(e) Without limiting the generality of the foregoing provisions, the orders, rules, and regulations authorized in paragraphs (a) and (d) hereof may include provisions respecting uniform air raid signals, the control of vehicular and pedestrian traffic, evacuation of persons, congregation of persons in public places or buildings, lighting and noises of all kinds; and provisions as to the recruitment, qualifications, training, equipment, powers, rights, duties, privileges and immunities of persons authorized to be appointed pursuant to section 2 hereof.

Enforcement.

(f) The law enforcing authorities of the state and of the political subdivisions thereof shall enforce the orders, rules, and regulations issued pursuant to this act.

Auxiliary defense agencies.

SEC. 2. *Auxiliary Defense Agencies.* The chief executive and/or governing body of each political subdivision of the state may appoint and remove, or provide for the appointment and removal of, air raid wardens, auxiliary fire and police personnel and other civilian defense workers; but no such appointment or removal shall be made to or from positions under the appointive authority of the Armed Forces of the United States or the Federal Director of Civilian Defense.

State and subdivisions immune from liability.

SEC. 3. *Immunity from Liability.*

(a) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or any pension law or any act of Congress.

(b) Neither the state nor any political subdivision of the state, nor, except in cases of willful misconduct, the agents or representatives of the state nor any political subdivision thereof, nor any civilian defense worker nor member of any agency engaged in any civilian defense activity, complying with, or attempting to comply with this act, or any order, rule, or regulation promulgated pursuant to the provisions of this act or pursuant to any ordinance relating to blackouts or other precautionary measures enacted by any political subdivision of the state shall be liable for the death of or injury to persons or for damage to property as a result of such activity.

Workers immune from liability except for willful misconduct.

SEC. 4. *Penalties.* Any person violating any order, rule, or regulation promulgated pursuant to this act shall, upon conviction thereof, be guilty of a misdemeanor.

Penalties.

SEC. 5. *Short Title.* This act may be cited as the "Air Raid Precautions Act."

Short title.

SEC. 6. *Effective Date; Termination.* This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force until the convening of the next regular or special session of the state legislature.

Effective immediately.

Termination.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 242.

[H. B. 43.]

WAR COUNCIL RESPECTING TRAFFIC CONTROL.

AN ACT to facilitate the movement of troops, military vehicles and materials for national defense and war and prescribing the powers, duties and responsibilities of the War Council and other officials and agencies with respect thereto, and prescribing penalties.

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

War council to adopt plans and rules.

SECTION 1. *Powers of the War Council Respecting Traffic Control.* The War Council, consisting of the Governor, the Lieutenant Governor and the Insurance Commissioner is authorized and empowered to formulate and execute plans and adopt and promulgate orders, rules and regulations for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war, or for use in any war industry, and to coordinate the activities of the departments or agencies of this state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will best effectuate such plans, orders, rules and regulations. No order, rule or regulation shall be adopted or promulgated by the War Council under the provisions of this act except with the unanimous consent of the members thereof.

Coordinate traffic control.

Unanimous consent.

Cooperation required.

SEC. 2. *Powers and Duties of Officers and Public Bodies of Political Subdivisions.* The governing body of each political subdivision of this state shall have power and it shall be its duty to cooperate with the War Council and any state department or agency designated by it in executing and enforcing the plans, orders, rules and regulations made pursuant to this act.

SEC. 3. Any person violating any order, rule or regulation promulgated pursuant to this act shall, upon conviction thereof, be guilty of a misdemeanor. Penalty.

SEC. 4. *Effective Date; Termination.* This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force until the convening of the next regular or special session of the state legislature. Effective immediately.
Termination.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 243.

[H. B. 45.]

EMERGENCY TRANSPORTATION POWERS OF WAR COUNCIL.

AN ACT relating to the transportation of persons and property within the state, granting certain emergency war powers to the War Council for the purpose of facilitating the transportation of persons and property and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, especially rubber, providing penalties, and prescribing the period of effectiveness thereof.

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

SECTION 1. *Declaration of Policy.* By reason of the war in which the United States is engaged and in order to insure the continued availability and use of facilities needed for transportation of persons and property which is deemed essential to the prosecution of war or to the domestic war-time economy of the state or of the United States, it is hereby found and declared to be necessary, in the interest of the defense of the state and of the United States, that a War Council, consisting of the Governor, the Lieu- Emergency powers granted.

tenant Governor and the Insurance Commissioner, is hereby created and granted the emergency powers conferred by this act.

SEC. 2. *Emergency Transportation Powers of War Council.*

Transportation powers.

Cooperate with federal agencies.

(a) The War Council is authorized and empowered to cooperate with any Federal officer or agency directly or indirectly charged with the responsibility of facilitating the transportation of persons or property or concerned with the conservation or provident utilization of vital transportation equipment, material or supplies. In furtherance of such cooperation, the War Council is empowered to make, amend, and rescind such orders, rules and regulations as it may deem advisable.

Make rules.

Make rules for traffic movement.

(b) As a means of aiding the prompt and continuous movement of traffic concerned with the national war effort or the needs of the domestic wartime economy, the War Council is empowered to make, amend and rescind such orders, rules and regulations as it may deem advisable for such purposes.

Rules have effect of law.

(c) Any order, rule or regulation, promulgated by the War Council under this act, shall, upon being filed in the office of the Secretary of State have the force and effect of law.

Rules to supersede inconsistent acts.

(d) To the extent of any inconsistency therewith, the provisions of this act and of any order, rule or regulation issued under this act, shall supersede, for the effective period of this act, or until such order, rule or regulation is rescinded, whichever event occurs first, any provision of any other statute or of any ordinance, rule or regulation which is inconsistent with this act or with any order, rule or regulation issued under the authority of this act.

Powers designated but not limited.

(e) The authority conferred upon the War Council shall include, but shall not be limited to, the power to (1) prescribe a system of staggered hours of employment in congested areas as a means

of facilitating the transportation of persons to and from their places of employment; (2) prescribe the maximum rates of speed at which any motor vehicle may be operated on any road, highway or street in the state; (3) prescribe the sizes and weights of such motor vehicles; (4) suspend the application of any statute or regulation levying or assessing any license or other fee, or requiring the issuance of any temporary or other permit or license, insofar as such statute or regulation relates to the entry into or the privilege of operation in this state of any motor vehicle, including busses and house trailers, registered in any other state and with respect to which a valid and unexpired license has been issued by the other state, and (5) prescribe measures for the conservation of vital transportation equipment, materials, and supplies, especially rubber.

Stagger
work hours.

Maximum
speeds.

Sizes and
weights.

Suspend
fees.

Conserve
equipment.

(f) The power conferred upon the War Council by this act shall be exercised only to the extent that any such exercise of power (1) does not conflict with any law of the United States or (2) does not contravene the exercise of any lawful power of, or interfere or conflict with any national transportation policy established by, the President or any officer or agency of the United States designated by the President to exercise authority with respect to transportation facilities, the movement of traffic or the conservation and provident utilization of vital transportation equipment, materials or supplies.

When powers
may be
exercised.

(g) No order, rule or regulation shall be made, amended or rescinded by the War Council under the provisions of this act except with the unanimous consent of the members thereof.

Unanimous
action
required.

SEC. 3. The War Council may delegate any of the powers herein conferred upon it to one or more agencies of state government as designated by said council. Such agency may exercise any powers so

Council may
delegate
powers.

delegated as fully and completely as if such powers were hereby specifically vested in such agency.

Penalties.

SEC. 4. *Penalties.* Any person who violates any of the provisions of this act, or of any order, rule, or regulation promulgated pursuant to this act, shall, upon conviction thereof, be guilty of a gross misdemeanor.

Saving clause.

SEC. 5. *Severability.* 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.

Short title.

SEC. 6. *Short Title.* The short title of this act is "Emergency Transportation Act of 1943."

Effective immediately.

SEC. 7. *Effective Date; Termination.* This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately, and it shall remain in force until the convening of the next regular or special session of the state legislature.

Termination.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 244.

[H. B. 62.]

DELINQUENT BONDS AND WARRANTS—LOCAL
IMPROVEMENT DISTRICTS.

AN ACT relating to local improvements in cities, and the unpaid and delinquent bonds and warrants issued in connection therewith; authorizing the creation of a special revolving fund for the use of moneys in said fund for the purchase of certain bonds and warrants.

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

SECTION 1. *Whereas*, there are many millions of dollars of delinquent and unpaid local improvement district and condemnation award bonds and warrants issued by various cities of the state and not protected by the Local Improvement Guaranty Fund, only a small part of which for the present at least can be paid and many of which will never be paid because of inability of property owners to pay the special assessments levied to provide funds for payment thereof and the depreciated value of the real estate which is the only security provided by present law from which payment of the assessments may be enforced; and, *Whereas*, the cities are not legally liable under existing law for payment of such bonds and warrants except as there are moneys available in the special fund from which the same are payable; and, *Whereas*, such cities and its citizens as a whole have derived benefit from the improvements installed with the proceeds or as a result of the issuance of such bonds and warrants; and, *Whereas*, the non-payment of such unpaid and delinquent bonds and warrants not only causes great hardship and suffering on those who have invested money in such bonds and warrants, but also reflects discredit on the financial structure of the various cities involved, to the detriment of the cities as a whole and also the entire state; *Now, therefore*, this

Declaration
of policy.

law is enacted to enable cities to provide some relief from the hardship imposed by such conditions.

Special fund authorized.

SEC. 2. Whenever any city as authorized by law shall have heretofore issued bonds or warrants payable from a local improvement district or condemnation award fund, to which said bonds or warrants the Local Improvement Guaranty Fund law is not applicable, and the assessment, or last installment thereof, if payable in installments, against which the bonds or warrants have been issued has been delinquent not more than fifteen (15) years, such city may create a special revolving fund and may provide moneys for said fund by general tax levy, if said levy, together with other levies made or authorized by such city, will not exceed the levy which such city is legally allowed; or such city may place in said fund, or advance or loan to said fund, any money which it is not prohibited by law from advancing, loaning or placing in said fund.

Limitation.

General levy.

Not exceed legal limit.

Loans to fund.

Purchase unpaid delinquent L. I. D. warrants and bonds.

SEC. 3. Any moneys in said revolving fund may be used by such city for the purchase of unpaid delinquent local improvement warrants, or bonds and interest coupons thereon, issued by such city, payable from a local improvement district fund or condemnation award fund, to which the Local Improvement Guaranty Fund law is not applicable, if the assessment, or last installment thereof, if payable in installments, against which the bonds or warrants have been issued, has been delinquent not more than fifteen (15) years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by such city, and may from time to time be changed but shall never exceed fifty per cent (50%) of the face value of the bonds, interest coupon, or warrants: *Provided*, No warrants shall be issued payable from the revolving fund created pursuant to this act unless there is sufficient cash in said fund available for payment of such warrant.

Maximum price.

Limitation.

SEC. 4. The purchase of any such bonds or warrants shall not relieve the local improvement or condemnation award fund from which the same are payable from liability for payment of the same, but such city shall upon purchase thereof become subrogated to all the rights of the former owners thereof and may proceed to enforcement of said bonds or warrants as any owner thereof might do, and may sell any property acquired by it in such proceedings upon such terms and for such prices as it sees fit, or such city may resell any such bonds or warrants for such prices as it shall fix: *Provided*, That any excess in any local improvement district fund or condemnation award fund which will average a payment of one dollar to each payer into said fund shall, after payment, retirement or cancellation of all bonds or warrants payable from said fund, be refunded and paid to the payers into the fund in the proportion that their respective assessments bear to the entire original assessment levied for such improvement, and any unpaid assessments, or portion thereof, shall be reduced in the same proportion. Any proceeds derived from the sale of any bonds or warrants, or from the sale of real estate, shall be placed in said revolving fund and used as authorized herein.

District liability continues.

City may enforce rights as owner.

Refunds of excess.

SEC. 5. Whenever there are funds in any local improvement district fund or condemnation award fund sufficient to pay or retire any bond or warrant issued and payable from said fund, and such city shall have purchased and is the owner and holder of the bond or warrant next payable from said fund, the treasurer of such city shall from the moneys in the local improvement or condemnation award fund place in the said revolving fund a sum of money equivalent to the amount paid by the city for such bond or warrant and shall thereupon cancel, mark paid and remove from said revolving fund such bond or warrant.

District funds to retire obligations.

Refund revolving fund.

Fund may
repurchase
from other
funds.

SEC. 6. Whenever such a city has heretofore by ordinance created a fund for use in purchasing delinquent local improvement or condemnation award bonds or warrants not protected by the Local Improvement Guaranty Fund law, and has purchased any such bonds or warrants and issued warrants payable from said fund, which warrants are unpaid because of lack of funds and have remained unpaid for a period of less than fifteen (15) years from date of issue thereof, such city may use any funds available in the revolving fund, hereby authorized, to purchase said warrants at such price as the city shall determine, but in no event at more than fifty per cent (50%) of the face value, without interest. Whenever all such warrants shall have been purchased or paid, the city may transfer to the revolving fund, herein authorized, any bonds, warrants or other assets belonging to said fund first above mentioned, and thereafter such bonds, warrants or other assets shall be held and disposed of for the benefit of said revolving fund in the same manner as other funds and assets therein: *Provided*, That nothing contained in this act shall legalize any warrants heretofore issued or render any city liable thereunder.

City not
made liable.

Action to be
by ordi-
nance.

SEC. 7. All actions of a city respecting the purchase of bonds and warrants or sales of bonds, warrants or assets of said revolving fund shall be as directed by general or special ordinance.

Passed the House February 3, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 245.

[H. B. 90.]

INTOXICATING LIQUOR.

AN ACT relating to intoxicating liquors; prohibiting minors from entering taverns and amending chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935; chapters 62 and 217, Laws of 1937; chapters 172 and 173, Laws of 1939; chapter 220, Laws of 1941 (section 7306-1 to 7306-97a, Remington's Revised Statutes, Supplement; section 7306-23-M to 7306-23-O, Rem. Supp. 1941) by adding a new section immediately following section 36 and to be known as section 36A.

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

SECTION 1. Chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935; chapters 62 and 217, Laws of 1937; chapters 172 and 173, Laws of 1939; chapter 220, Laws of 1941 (section 7306-1 to 7306-97a, Remington's Revised Statutes, Supplement; section 7306-23-M to 7306-23-O, Rem. Supp. 1941) be further amended by adding a new section thereto, immediately following section 36 thereof and to be known as section 36-A, to read as follows:

- Section 36-A. 1. It shall be a misdemeanor,
- (a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one (21) years;
- (b) For any person under the age of twenty-one (21) years to enter or remain on the premises of any tavern;
- (c) For any person under the age of twenty-one (21) years to represent his age as being twenty-one (21) or more years for the purpose of securing admission to or remaining on the premises of any tavern.

Amendment
by adding
new section.

Penalties.

Permitting
minors in
taverns.

Minors to
enter or
remain.

Misrepresent
age.

Vetoed. { (d) The owner of a liquor license shall not have his license suspended or revoked for permitting a minor to obtain liquor on his premises, if such minor in the company of one or more persons over the age of twenty-one (21) years is held out to be over such age by his companions, or if the minor fraudulently represents himself to be over the age of twenty-one (21) years; provided any reasonably prudent person would believe such representations and the owner of the liquor license, acting in good faith, is misled by the fraudulent representations of the minor.

Board to classify taverns.

Eating places excepted.

2. The Washington State Liquor Control Board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this act, except *bona fide* restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Inconsistent acts repealed.

3. All acts or parts of acts inconsistent herewith are hereby expressly repealed.

Passed the House March 1, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943, with the exception of subdivision (d), which is vetoed.

CHAPTER 246.

[H. B. 123.]

PREFERENCE FOR WASHINGTON RESIDENTS ON
PUBLIC CONTRACTS.

AN ACT relating to percentage preferences for Washington residents on public contracts for general construction, demolition, alteration or repair; excepting when in conflict with Federal laws; defining the term resident; providing for the payment of prevailing wages; and prescribing civil and criminal penalties for violations thereof.

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

SECTION 1. In all contracts let by the state, or any department thereof, or any county, city or town for the erection, construction, alteration, demolition or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor, subcontractor, or person in charge thereof, shall employ ninety-five per cent (95%) or more *bona fide* Washington residents as employees where more than fifty (50) persons are employed, and ninety per cent (90%) or more where fifty (50) or less are employed; and shall pay the standard prevailing wages for the specific type of construction as determined by the United States Department of Labor in the city or county where the work is being performed. The term "resident," as used in this act, shall mean any person who has been a *bona fide* resident of the State of Washington for a period of ninety (90) days prior to such employment: *Provided*, That in contracts involving the expenditure of Federal Aid Funds this act shall not be enforced in such manner to conflict with or be contrary to the Federal statutes, rules and regulations prescribing a labor preference to honorably discharged soldiers, sailors and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

Preference for state residents required.

Minimum percentages fixed.

Pay prevailing wage.

"Resident" defined.

Not to conflict with federal acts.

Procedure
where state
residents
not available.

SEC. 2. In the event a sufficient number of Washington residents shall not be available the contractor or subcontractor shall immediately notify the public body with whom the contract has been executed of such facts, and shall state the number of non-residents needed. The public body shall immediately investigate the facts and if the conditions are as stated the public body shall, by a written order, designate the number of non-residents and the period for which they may be employed: *Provided*, That should residents become available within the period, such residents shall be immediately employed and the period shortened consistent with the supply of resident labor.

Proviso.

Contracts
to carry
provisions.

SEC. 3. The provisions of this act shall be written into every such public contract, including the following penalty. Any contractor or subcontractor who shall employ a non-resident in excess of the percentage preferences, excepting as herein permitted, shall have deducted, for every violation, from the amount due him, the prevailing wages which should have been paid to a displaced resident. The money so deducted shall be retained by the public body for whom the contract is being performed.

Penalty

SEC. 4. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 247.

[S. H. B. 206.]

GENERAL CEMETERY ACT.

AN ACT relating to and regulating cemeteries and the interment of dead human remains; repealing section 1 of an act entitled: "AN Act regulating burying grounds and places of sepulchre," passed January 27, 1857, Laws of 1856-7, page 28 (section 3758, Remington's Revised Statutes; section 576, Pierce's Code); and section 2788, chapter CCXVI (216), Code of Washington Territory 1881, as amended by section 1, chapter XII (12), Laws of 1901 (section 4193, Remington's Revised Statutes; section 1749, Pierce's Code); and sections 1, 2, 4 and 7, chapter XXXIII (33), Laws of 1899 (sections 3764, 3765, 3767 and 3771, Remington's Revised Statutes; sections 565, 566, 568 and 571, Pierce's Code); and sections 1, 2 and 3, chapter CXLVII (147), Laws of 1901 (sections 3761 and 3762, Remington's Revised Statutes; sections 572, 573 and 574, Pierce's Code); and section 1, chapter 118, Laws of 1905 (section 3770, Remington's Revised Statutes; section 579, Pierce's Code); and providing penalties for violation thereof.

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

SECTION 1. This act shall be known as the "General Cemetery Act." Short title.

SEC. 2. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains. Definitions.

SEC. 3. "Cremated remains" means human remains after creniation in a crematory.

SEC. 4. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

- (a) A burial park, for earth interments.
- (b) A mausoleum, for crypt or vault interments.
- (c) A columbarium, for permanent cinerary interments.

Definitions.

SEC. 5. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

SEC. 6. "Mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

SEC. 7. "Crematory" means a building or structure containing one or more retorts for the reduction of bodies of deceased persons to cremated remains.

SEC. 8. "Columbarium" means a structure, room, or other space in a building or structure containing niches for permanent inurnment of cremated remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

SEC. 9. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.

SEC. 10. "Interment" means the disposition of human remains by cremation and inurnment, entombment, or burial in a place used, or intended to be used, and dedicated, for cemetery purposes.

SEC. 11. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory.

SEC. 12. "Inurnment" means placing cremated remains in an urn or vault and placing it in a niche.

SEC. 13. "Entombment" means the placement of human remains in a crypt or vault.

SEC. 14. "Burial" means the placement of human remains in a grave.

SEC. 15. "Grave" means a space of ground in a burial park, used or intended to be used, for burial.

SEC. 16. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

SEC. 17. "Niche" means a space in a columbarium or urn garden used, or intended to be used, for inurnment of cremated human remains.

SEC. 18. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.

SEC. 19. "Cemetery authority" includes cemetery corporation, association, corporation sole, or other person owning or controlling cemetery lands or property.

SEC. 20. "Cemetery corporation," "cemetery association," or "cemetery corporation or association" mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

SEC. 21. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property.

SEC. 22. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.

SEC. 23. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

SEC. 24. "Plot owner," "owner," or "lot proprietor" means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

Penalty for unlawful removal.

SEC. 25. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it, or to dissect it, without authority of law, or from malice or wantonness, shall be punished by imprisonment in the state penitentiary for not more than five (5) years, or by a fine of not more than one thousand dollars (\$1,000), or by both.

Penalty for unlawful disinterment.

SEC. 26. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, shall be punished by imprisonment in the state penitentiary for not more than three (3) years, or by a fine of not more than one thousand dollars (\$1,000), or by both.

Penalty for attachment for debt.

SEC. 27. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a gross misdemeanor.

Penalty for unlawful disposition.

SEC. 28. Every person who permanently deposits or disposes of any human remains, except as otherwise provided by law, in any place, except in a cemetery or a building dedicated exclusively for religious purposes, is guilty of a misdemeanor.

Succession of right of disposition.

SEC. 29. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving children of the decedent.
- (c) The surviving parents of the decedent.

Liability for cost.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent hereinbefore mentioned in the same degree of kindred and upon the estate of the decedent.

SEC. 30. Any person signing any authorization for the interment or cremation of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred or cremated, and his authority to order interments or cremation. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Warranty of authority.

Liability for breach.

SEC. 31. The cemetery authority may inter or cremate any remains upon the receipt of a written authorization of a person representing himself to be a person who has acquired the right to control the disposition of the remains. A cemetery authority is not liable for interring or cremating pursuant to such authorization, unless it has actual notice that such representation is untrue.

Authority to inter or cremate.

SEC. 32. No action shall lie against any cemetery authority relating to the remains of any person which have been left in its possession for a period of two (2) years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent internment has been made. Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of Washington.

Limitation of right of action.

SEC. 33. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one (1) of the following in the order named:

Succession of consent to remove.

- (a) The surviving spouse.
- (b) The surviving children of the decedent.
- (c) The surviving parents of the decedent.
- (d) The surviving brothers or sisters of the decedent.

Court may give consent.

If the required consent cannot be obtained, permission by the Superior Court of the county where the cemetery is situated is sufficient: *Provided*, That the permission shall not violate the terms of a written contract or the rules and regulations of the cemetery authority.

Limitation.

Service of notice of removal.

SEC. 34. Notice of application to the court for such permission shall be given, at least ten (10) days prior thereto, personally, or at least fifteen (15) days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person on whom service of notice may be required by the court.

Exceptions.

SEC. 35. Sections 33 and 34 of this act do not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor do they apply to the disinterment of remains upon order of court or coroner.

Penalties.

SEC. 36. Every person is guilty of a gross misdemeanor who unlawfully or without right wilfully does any of the following:

Damaging cemetery property.

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery.

(b) Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the limits of a cemetery.

Obstructing funeral.

(c) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

SEC. 37. Any person violating any provision of section 36 of this act is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

Liability
for civil
damages.

SEC. 38. The provisions of section 36 of this act do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly or dilapidated condition.

Exceptions.

SEC. 39. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated on the premises under his charge, in each case stating the name of each deceased person, date of cremation or interment, and name and address of the funeral director.

Record of
interments
and crema-
tions.

SEC. 40. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority.

Record
of plot
ownership.

SEC. 41. The records shall be open to inspection during the customary office hours of the cemetery.

SEC. 42. It is unlawful for any corporation, co-partnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this state except by means of a corporation duly organized for that purpose.

Incorporation re-
quired.

Who may
operate
cemetery.

SEC. 43. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A non-profit cemetery corporation may be organized in the manner provided in sections 3872 to 3883, inclusive, Remington's Revised Statutes. A profit corporation may be organized in the manner provided in the General Corporation Laws of the State of Washington.

Prior or-
ganizations
excepted.

SEC. 44. The provisions of this act do not affect the corporate existence or rights or powers of any cemetery organized under any law then existing prior to the effective date of this act, and as to such cemeteries and their rights, powers specified in their charters or articles of incorporation, the laws under which the corporation was organized and existed and under which such rights and powers become fixed or vested are applicable.

Powers
enlarged
to conform.

SEC. 45. The powers, privileges and duties conferred and imposed upon any corporation, firm, co-partnership, association, trust, or individual, existing and doing business under the laws of this state, are hereby enlarged as each particular case may require to conform to the provisions of this act.

Authority to
make or
revise rules
for:

SEC. 46. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in sections 47 to 55, inclusive, of this act.

Limiting use.

SEC. 47. It may restrict and limit the use of all property within its cemetery.

Uniformity.

SEC. 48. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.

SEC. 49. It may regulate or prohibit the erection of monuments, markers, effigies, and structures within any portion of the cemetery.

Restrict portions.

SEC. 50. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery.

Regulate shrubbery.

SEC. 51. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations.

Maintain own regulations.

SEC. 52. It may regulate the conduct of persons and prevent improper assemblages in the cemetery.

Prevent improper assemblage.

SEC. 53. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

Make rules for conduct.

SEC. 54. The rules and regulations made pursuant to section 46 of this act shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe.

Copies of rules available.

SEC. 55. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a police officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the state, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

Police power of persons in charge.

SEC. 56. No crematory shall hereafter be constructed or established unless the crematory is of

Crematory.

Crematories
must be
fireproof.

fireproof construction and there is in connection therewith a fireproof columbarium, a fireproof mausoleum, a fireproof room for temporary care of cremated remains or a burial park amply equipped at all times for the interment of remains of bodies cremated at the crematory. Nothing herein contained shall prevent existing crematories from being repaired, altered, or reconstructed. Nothing in this act shall prohibit the cremation of human remains in existing crematories, nor the temporary storage of cremated remains.

Existing
crematories
excepted.

Record of
consumed
casket.

SEC. 57. No crematory shall hereafter cremate the remains of any human body without making a permanent signed record of the color, shape and outside covering of the casket consumed with such body, said record to be open to inspection of any person lawfully entitled thereto.

Penalty.

SEC. 58. Each person violating any provision of section 57 of this act shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

Corporate
powers.

SEC. 59. Unless otherwise limited by the law under which created cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property.

Liens sub-
ordinate to
purposes of
dedication.

SEC. 60. All mortgages, deeds of trust and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the

mortgage, deed of trust, or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes.

Liens subordinate.

SEC. 61. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories, and columbariums, or other property within which the interment of the dead may be authorized by law.

Property rights.

SEC. 62. Every cemetery authority, from time to time as its property may be required for cemetery purposes, shall:

Maps of properties.

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks, or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or columbarium, it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevation, and other divisions, with descriptive names or numbers.

SEC. 63. The cemetery authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes.

Filing of plat and dedication.

SEC. 64. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes.

Dedication complete on filing.

Alteration of
property.

SEC. 65. Any part or subdivision of the property so mapped and plotted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person.

Constructive
notice.

SEC. 66. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes.

Dedication
perpetual.

SEC. 67. After property is dedicated to cemetery purposes pursuant to sections 61 to 66, inclusive, of this act, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this act.

Perpetuities
permitted.

SEC. 68. Dedication to cemetery purposes pursuant to this act is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.

Closed to
public
thoroughfare.

SEC. 69. 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 and operating it, or of not less than two-thirds (2/3) of the owners of interment plots.

Authority
may sell
plots.

SEC. 70. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect or there-

after adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot.

SEC. 71. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law.

Plots indivisible.

SEC. 72. All conveyances made by a cemetery authority shall be signed by such officer or officers as are authorized by the cemetery authority.

SEC. 73. It shall be unlawful for any person, firm or corporation to sell or offer to sell a cemetery plot upon the promise, representation or inducement of resale at a financial profit. Each person violating this section shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

Unlawful sale.

Penalty.

SEC. 74. It shall be unlawful for a cemetery authority to pay or offer to pay to any person, firm or corporation, directly or indirectly, a commission or bonus or rebate or other thing of value for the sale of a plot or services. This shall not apply to a person regularly employed by the cemetery authority for such purpose. Each person violating this section shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

Bonuses, rebates unlawful.

Exception.

Penalty.

SEC. 75. Every person who pays or causes to be paid or offers to pay to any other person, firm, or corporation, directly or indirectly, except as provided in section 74, any commission or bonus or rebate, or other thing of value in consideration of recommending or causing a dead human body to be disposed of in any crematory or cemetery, is guilty of a misdemeanor and each violation shall constitute a separate offense.

Unlawful to offer bonuses or rebates.

Penalty.

Use exclusive
until
removed
by court.

SEC. 76. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the Superior Court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the Court:

Proof re-
quired for
removal.

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

Notice by
publication.

SEC. 77. The notice of hearing provided in section 76 shall be given by publication once a week for at least three (3) consecutive weeks in a newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three (3) conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall:

Contents
of notice.

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

Abandon-
ment.

SEC. 78. The ownership of or right in or to unoccupied cemetery space in this state shall, upon abandonment, be subject to forfeiture and sale by the person, association, corporation or municipality having ownership or management of the cemetery containing such unoccupied cemetery space, for the purpose of providing for perpetual care. The con-

tinued failure by an owner to maintain or care for an unoccupied cemetery lot, unoccupied part of lot, unoccupied lots or parts of lots for a period of five (5) years shall create and establish a presumption that the same has been abandoned.

SEC. 79. Before such five (5) year period shall commence to run, the owner or manager of the cemetery shall place upon and during such five (5) year period shall maintain upon such unoccupied cemetery space a suitable notice, setting forth the date the notice is placed thereon and stating that such unoccupied space is subject to forfeiture and sale by the owner or manager of the cemetery to provide for perpetual care, if the owner of such unoccupied space fails during the next five (5) years following the date of the notice to maintain or care for the same or unless the owner of such unoccupied space contracts for the perpetual care of the same: *Provided, however,* That such a notice cannot be placed on the unoccupied space in any cemetery lot until twenty (20) years have elapsed since the last interment in any such lot of a member of the immediate family of the record owner. Members of the immediate family shall be construed to include surviving spouse, children, parents, and brothers and sisters.

Abandonment procedure.

Maintaining of notice.

Contents.

Limitation.

SEC. 80. After such five (5) year period, the owner or manager of the cemetery may file in the office of the county clerk for the county in which the cemetery is located a verified petition, setting forth its ownership or management of the cemetery, the facts relating to the continued failure by the owner for a period of five (5) consecutive years to maintain or care for such cemetery lot, part of lot, lots or parts of lots and such facts relating to the ownership thereof as petitioner may have, and asking for an order of the Superior Court for such

Petition to state facts.

county, adjudging the lot, part of lot, lots or parts of lots to have been abandoned.

Court to
fix time of
hearing.

At the time of filing such petition, the owner or manager of the cemetery shall apply for and the Superior Court for such county shall fix a time for the hearing of the petition not less than sixty (60) days nor more than ninety (90) days from the time of the application. Not less than sixty (60) days before the time fixed for the hearing of the petition, notice of the hearing and the nature and object of the same shall be given to the owner of such unoccupied space, as herein provided.

Service
of notice.

SEC. 81. The notice may be served personally upon the owner, or may be given by the mailing of the notice by registered mail to the owner to his last known address and by publishing the notice three (3) times in a legal newspaper published in the county in which the cemetery is located, and if there be no legal newspaper in the county, then in a legal newspaper published in an adjoining county, and if there be no legal newspaper in an adjoining county, then in a legal newspaper published at the capital of the state. In the event that the whereabouts of the owner is unknown, or if the owner be unknown, then the notice may be given to such owner, unknown owner or unknown claimant, and all other persons or parties claiming any right, title or interest therein, by publishing the notice three (3) times in a legal newspaper as aforesaid. The affidavit of the owner or manager of the cemetery involved to the effect that such owner or claimant is unknown to him and that he exercised diligence in attempting to locate such unknown parties shall, if filed in the proceeding, be conclusive to that effect.

Owner may
answer.

SEC. 82. Thereupon, such owner or claimant may appear and make answer to the allegations of

said petition, and in case of his failure so to do prior to the day fixed for hearing, his default shall be entered and it shall then be the duty of the Superior Court for such county to immediately enter an order adjudging such unoccupied space to have been abandoned and subject to sale at the expiration of one (1) year by the person, association, corporation or municipality having ownership or management of the cemetery containing the same. In the event the owner or claimant shall appear and file his answer prior to the day fixed for the hearing, the presumption of abandonment shall no longer exist, and on the day fixed for the hearing of said petition or on any subsequent day to which the hearing of the cause is adjourned, the allegations and proof of the parties shall be presented to the court and if the court shall determine therefrom that there has been a continued failure to maintain or care for such unoccupied space for a period of five (5) consecutive years preceding the filing of said petition, an order shall be entered accordingly adjudging such unoccupied space to have been abandoned and subject to sale at the expiration of one (1) year by the person, association, corporation or municipality having ownership of the cemetery containing the same. Upon any adjudication of abandonment, the Court shall fix such sum as it shall deem reasonable as an attorney's fee for petitioner's attorney for each lot, part of lot, lots or parts of lots adjudged to have been abandoned in such proceedings.

Failure to appear default.

Order in default.

Appearance ends presumption of abandonment.

Presentation of proof.

Order in accord with findings.

Attorney's fee.

SEC. 83. If at any time prior to the adjudication of abandonment, as in this act provided, the owner of an unoccupied lot, part of lot, lots or parts of lots shall contract with the owner or manager of the cemetery in which the same is located for the perpetual care of the same, no further proceedings with respect to the same shall be had hereunder, and the

Proceedings cancelled on contract for care.

Court shall dismiss the proceedings as to the unoccupied cemetery space of such owner.

Vacation
after ad-
judication.

SEC. 84. If at any time within one (1) year after the adjudication of abandonment, as in this act provided, the former owner of unoccupied cemetery space, which has been adjudged abandoned, shall contract for the perpetual care of the same, and reimburse the owner or manager of the cemetery for the expenses with respect to the filing of the petition, entry or order, payment of reasonable attorney's fees as herein provided, and the giving of any notice provided for in this act, then the unoccupied space shall not be sold as hereinafter provided and the order adjudging the same to have been abandoned shall be vacated as to the same upon petition of such former owner.

Sale after
adjudication.

SEC. 85. One (1) year after the entry of the order adjudging such lot, part of lot, lots or parts of lots to have been abandoned, the owner or manager of the cemetery in which the same is located shall have the power to sell the same, in whole or in part, at public or private sale, and convey by deed good, clear and sufficient title thereto.

Disposition
of sale funds.

SEC. 86. Not more than twenty per cent (20%) of the funds realized from the sale of such abandoned space shall be used to defray the expenses with respect to the filing of the petition, entry of order, payment of reasonable attorney's fees, as herein provided, the giving of any notice provided for in this act, and the improving of the same in such manner as may be required to place it in condition for care, and the balance, not to be less than eighty per cent (80%) of the funds realized from the sale of the same, shall be placed immediately in a trust fund or shall be immediately transferred to a non-profit corporation, association or organization to be used exclusively for the perpetual care and maintenance of the cemetery.

SEC. 87. In any one petition for abandonment, a petitioner may, irrespective of diversity of ownership, include in any such petition as many lots or parts of lots as come within the provisions of this act. The petition for abandonment shall be entitled: "In the Matter of the Abandonment, Forfeiture and Sale of Unoccupied and Uncared for Space located in Cemetery."

Petition not limited.

SEC. 88. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

Plots sold separate property.

SEC. 89. The spouse of an owner of any plot containing more than one (1) interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one (1) interment space is unoccupied at the time the person becomes the spouse of the owner.

Vested right of spouse.

SEC. 90. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

Right maintained.

Exception.

SEC. 91. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

Succession upon death of owner.

Exempt from inheritance taxes.

SEC. 92. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

Authorization to permit use.

SEC. 93. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to sections 88 to 91, inclusive, of this act, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

Joint tenants.

SEC. 94. In a conveyance to two (2) or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

Succession of title of joint tenant.

SEC. 95. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

Authorization in case of joint tenant.

SEC. 96. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one (1) joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

Representation in co-ownership.

SEC. 97. When there are several owners of a plot, or of rights of interment in it, they may designate one (1) or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring

or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

SEC. 98. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

Interment makes plot inalienable.

SEC. 99. In a family plot one (1) grave, niche or crypt may be used for the owner's interment; one (1) for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

Rights in family plot.

SEC. 100. If no parents or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner, and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law.

Succession if no kin survives.

SEC. 101. Any surviving spouse, parent, child, or heir having a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of the deceased owner; and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Waiver of right.

SEC. 102. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

Waiver of vested right.

SEC. 103. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located.

Restricted plots.

SEC. 104. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

Operation of perpetual care funds.

SEC. 105. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under perpetual care and establish, maintain, and operate an irreducible perpetual care fund. Perpetual care and special care funds may be commingled for investment and the income therefrom shall be divided between the perpetual care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority.

Principal irreducible.

SEC. 106. The principal of all funds for perpetual care shall forever remain irreducible and inviolable and shall be maintained separate and distinct from all other funds.

Income used for care.

SEC. 107. The principal of all funds for perpetual care shall be invested, from time to time re-invested, and kept invested and the income earned shall be used solely for the general care, maintenance, and embellishment of the cemetery, and shall be applied in such manner as the cemetery author-

ity may from time to time determine to be for the best interest of the cemetery.

SEC. 108. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will perpetually provide care, maintenance and embellishment.

Plans for care.

Revenue for fund.

SEC. 109. Upon payment of the purchase price and the amount fixed as a proportionate contribution for perpetual care, there may be included in the deed of conveyance or by separate instrument an agreement perpetually to care, in accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.

Agreement for perpetual care.

SEC. 110. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for perpetual care, a cemetery authority may enter into an agreement with him for the care of his plot and its appurtenances.

SEC. 111. The cemetery authority may appoint a board of trustees of not less than three (3) in number as trustees for its perpetual care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

Trustees for fund.

SEC. 112. The directors of a cemetery authority, if any, may be the trustees of its perpetual care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings. The invest-

Directors may be trustees.

ments of the perpetual care fund may be held in the name of the cemetery authority.

Bank or trust company may be trustee.

SEC. 113. In lieu of the appointment of a board of trustees of its perpetual care fund, any cemetery authority may appoint as sole trustee of its perpetual care fund any bank or trust company qualified to engage in the trust business, and said bank or trust company shall be authorized to receive and accept said fund, including any accumulated perpetual care fund in existence at the time of its appointment.

Compensation limited.

SEC. 114. No sum in excess of five per cent (5%) of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.

Reports of financial condition.

SEC. 115. The cemetery authority or the persons in whose names the funds are held shall, annually, and within ninety (90) days after the end of the calendar or fiscal year of the cemetery authority, make and file with it a true and correct written report, verified on oath by an officer of the cemetery authority or by the oath of one or more of the trustees, showing the actual financial condition of the funds.

Authority may hold property for fund.

SEC. 116. A cemetery authority which has established a perpetual care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its perpetual care fund.

Charitable purpose declared.

SEC. 117. The perpetual care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Perpetual care is a provision for the discharge of a duty from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of

the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for general perpetual care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the trust, nor is the fund or any contribution to it invalid as violating any law against perpetuities, or the suspension of the power of alienation of title to property.

SEC. 118. A perpetual care cemetery is one which shall hereafter deposit in its perpetual care fund not less than the following amounts for plots sold or disposed of:

Perpetual
care
cemetery
defined.

- (a) ten per cent (10%) of the gross sales price with a minimum of five dollars (\$5) for each grave;
- (b) five dollars (\$5) for each niche;
- (c) Fifteen dollars (\$15) for each crypt.

The deposit shall be made not later than the twentieth (20th) day of the month following the final payment on the purchase price of the plot.

SEC. 119. A non-perpetual care cemetery is one that does not deposit in a perpetual care fund the minimum specified in section 118.

Non-per-
petual care
cemetery.

SEC. 120. A cemetery which otherwise complies with section 118 may be designated a perpetual care cemetery even though it contains a small section which may be sold without perpetual care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "non-perpetual care section" in lettering equivalent to a minimum of forty-eight (48) point black type. There shall be printed or stamped at the head of all contracts, and certificates of ownership or deeds referring to plots in the section the phrase "non-

Non-per-
petual care
section
permitted.

perpetual care" in lettering equivalent to a minimum of ten (10) point number two (2) black type.

Designation of perpetual care cemetery.

SEC. 121. Each perpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign with the following phrase: "This is a perpetual care property."

Report on file at office.

SEC. 122. Each perpetual care cemetery shall file in its principal office a written report which shall be available to any plot owner and which shall contain:

Contents.

- (a) amount of principal of the perpetual care fund;
- (b) total amount invested in bonds, securities or other investments authorized by law and the total amount of cash on hand not invested which shall actually show the financial condition of the trust.

Designation of non-perpetual care cemetery.

SEC. 123. Each non-perpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign with the following phrase: "This is not a perpetual care property." This phrase likewise shall be printed or stamped at the head of all contracts, certificates of ownership or deeds.

Reports revised annually.

SEC. 124. All the information appearing on the report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two (2) officers authorized by the cemetery authority.

Penalty for violation or false statement.

SEC. 125. Any person, partnership, corporation, association, or his or its agents or representatives who shall violate any of the provisions of sections 118 to 124, inclusive, or make any false statement

appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

SEC. 126. Perpetual care funds shall not be used for any purpose other than to provide through income only for the perpetual care stipulated in the resolution, by-law, or other action or instrument by which the fund was established.

Use of funds limited.

SEC. 127. The funds shall be invested and re-invested and kept invested by the trustee in the securities authorized by sections 2 to 16, inclusive, chapter 41, Laws of 1941, relating to the investment of trust funds, or as hereafter amended: *Provided*, That where the instrument, by law or charter creating the trust so provides, the trustee may invest the funds in the same manner as a corporation doing a trust business in accordance with sections 13 and 14 of said statute. Any investment of funds which was a legal investment at the time the same was made shall be considered as and remain a legal investment.

Investment of funds.

SEC. 128. The cemetery authority may borrow from the perpetual care fund or the trustee thereof only for the purpose of liquidating existing mortgage or lien indebtedness against the real and personal property of the cemetery authority or to improve its real property to make it available for interment purposes or for the construction or improvement of mausoleum, columbarium or crematory property or for the purpose of making payment and completing title to additional real property to be used for interment purposes.

Purposes for which authority may borrow from fund.

No such loan may be made from the perpetual care fund or the trustee thereof unless such loan is evidenced by a note and secured by a first mortgage upon all of the real and personal property of the cemetery authority used for interment purposes.

Security for such loan.

Limitation
of loan.

Such loan shall not exceed twenty per cent (20%) of the appraised net value of the real property to be mortgaged as appraised by disinterested, impartial appraisers, nor shall any such loan be made after sixty per cent (60%) of the interment area of the cemetery has been sold.

Period of
loan.

Such loans shall be made for a period not in excess of ten (10) years and shall provide for a yearly reduction in principal of not less than five per cent (5%) thereof during each and every year of the term of the mortgage and shall bear interest at the current rate then existing in the locality where such mortgage is made, such interest to be paid semi-annually.

Purposes
for which
property
may be held.

SEC. 129. A cemetery authority which has established perpetual care may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

(a) improvement or embellishment of all or any part of the cemetery or any lot in it;

(b) erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery;

(c) planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery;

(d) special care or ornamenting of any part of any plot, section, or building in the cemetery;

(e) any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

Charitable
purpose
declared.

SEC. 130. The sums paid in or contributed to the fund authorized by this act are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred

or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

SEC. 131. No director or officer of the cemetery authority or trustee of the perpetual care or special care funds shall borrow any perpetual care or special care funds of the corporation for himself, directly or indirectly, except as provided in section 128.

Limitation
on loaning
funds.

SEC. 132. The office of any director or officer who acts or permits action contrary to this act immediately thereupon becomes vacant.

SEC. 133. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

Penalty.

SEC. 134. Sections 135 to 145, inclusive, apply to all buildings, mausoleums and columbariums used or intended to be used for the interment of the remains of fifteen (15) or more persons whether erected under or above the surface of the earth where any portion of the building is exposed to view or, when interment is completed, is less than three (3) feet below the surface of the earth and covered by earth.

SEC. 135. A building not erected for, or which is not used as, a place of interment of human remains

Conversions
subject to
act.

which is converted or altered for such use is subject to this act.

Perma-
nency.

SEC. 136. No building or structure intended to be used for the interment of human remains shall be constructed, and a building not used for the interment of human remains shall not be altered for use or used for interment purposes, unless constructed of such material and workmanship as will insure its durability and permanence as dictated and determined at the time by modern mausoleum construction and engineering science.

Fireproof
construction.

SEC. 137. All mausoleums or columbariums hereafter constructed shall be of class "A" fireproof construction.

Local ordi-
nances
govern.

SEC. 138. If the proposed site is within the jurisdiction of a city having ordinances and specifications governing class "A" construction, the provisions of the local ordinances and specifications shall not be violated.

Penalty for
violation.

SEC. 139. Every person who violates any provision of this act is guilty of a misdemeanor, and in addition is liable for all costs, expenses, and disbursements paid or incurred by a person prosecuting the case.

Penalty for
violation.

SEC. 140. Every owner or operator of a mausoleum or columbarium erected in violation of this act is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one (1) month nor more than six (6) months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred in prosecuting the case.

Court to
fix costs.

SEC. 141. The costs, expenses and disbursements shall be fixed by the court having jurisdiction of the case.

SEC. 142. The penalties of this act shall not apply as to any building which, at the time of construction was constructed in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

Existing structures excepted.

SEC. 143. Cities and counties are authorized to enact ordinances regulating or prohibiting the establishment of new cemeteries or the extension of existing ones and to give power to local planning commissions to pass upon and make recommendations to local legislative bodies concerning the establishment or extension of cemeteries.

May regulate or prohibit.

SEC. 144. It shall be unlawful for any person, firm, or corporation to establish or maintain any cemetery or to extend the boundaries of any existing cemetery in this state without a permit first having been applied for and permission obtained in accordance with the city and county ordinance and other zoning or statutory provisions governing the same.

Zoning statutes govern.

SEC. 145. Every person, firm or corporation who is the owner or operator of a cemetery established in violation of this act is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one (1) month nor more than six (6) months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred in prosecuting the case.

Penalty for violation.

SEC. 146. The provisions of sections 42 to 45, inclusive, sections 62 to 77, inclusive and sections 88 to 133, inclusive, relating to private cemeteries, do not apply to any of the following:

Exceptions from certain sections.

(a) Any religious corporation, church, religious society or denomination, a corporation sole admin-

istering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them;

(b) Any county, town or city cemetery.

Saving
clause.

SEC. 147. If any section, subdivision, sentence or clause of this act shall be held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this act.

Repeals.

SEC. 148. Section 1 of an act entitled: "An Act regulating burying grounds and places of sepulchre," passed January 27, 1857, Laws of 1856-7, page 28 (section 3758, Remington's Revised Statutes; section 576, Pierce's Code); and section 2788, chapter CCXVI (216), Code of Washington Territory 1881, as amended by section 1, chapter XII (12), Laws of 1901 (section 4193, Remington's Revised Statutes; section 1749, Pierce's Code); and sections 1, 2, 4 and 7, chapter XXXIII (33), Laws of 1899 (sections 3764, 3765, 3767 and 3771, Remington's Revised Statutes; sections 565, 566, 568 and 571, Pierce's Code); and sections 1, 2 and 3, chapter CXLVII (147), Laws of 1901 (sections 3761 and 3762, Remington's Revised Statutes; sections 572, 573 and 574, Pierce's Code); and section 1, chapter 118, Laws of 1905 (section 3770, Remington's Revised Statutes; section 579, Pierce's Code), are hereby repealed.

Passed the House February 25, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 248.

[S. H. B. 222.]

VEGETABLE SEED PLANTS.

AN ACT relating to vegetable seed plants; providing for the prevention of cross-pollination of vegetable seed plants by the creation of seed control areas; defining terms, prescribing the powers and duties of certain officers; and providing for certain permits.

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

SECTION 1. The Director of Agriculture, through the State Division of Horticulture and the various county offices of the Department of Horticulture, is hereby authorized and directed to apply such measures and methods as may be necessary to carry out the provisions of this act for the purpose of preventing cross-pollination of vegetable seed plants where such threatens to be destructive to agricultural or horticultural pursuits within the State of Washington.

Director of Agriculture to enforce act.

SEC. 2. The Director of Agriculture and Supervisor of Horticulture are authorized to cooperate, with the counties of the State of Washington, the State College of Washington, the Washington Agricultural Experiment Station and the Western Washington Experiment Station, as well as with the Secretary of Agriculture of the United States of America, and such agencies as they may designate, to carry out the provisions of this act.

Cooperate with other agencies.

SEC. 3. In this act, unless the context otherwise requires:

Definitions.

(a) "Seed Control Areas" shall be such areas as hereinafter provided to be described by order of the State Director of Agriculture;

(b) "Seed Grower" shall be any individual engaged in agricultural or horticultural pursuits, who is, at the time of the signing of any petition herein

provided or at the time of voting on any proposition as herein provided, growing vegetable seed crops, or who has grown the same within one year prior to the date of determination;

(c) "Seed Contractor" shall be any individual, copartnership, corporation, association, or cooperative licensed by the State of Washington, and operating under its laws, to contract the growing of vegetables seeds;

(d) "Seed Families" shall be any seed crops, which by nature are recognized to be so similar that they will cross-pollinate.

Petition for seed control area shall state reasons and boundaries.

SEC. 4. Upon the petition of not less than twenty-five (25) vegetable seed growers producing a seed crop of the same family, and not less than three (3) seed contractors, within a county, which said petition shall set forth the reasons therefor, the boundaries sought to be declared as a seed control area, and if such actions appear to be in the public interest, the State Director of Agriculture may order a notice of public hearing to be published in one or more newspapers, local to the areas interested, at least once each week for three (3) consecutive weeks prior to the date of a public hearing upon the petition. Upon such hearing being had, any vegetable seed grower producing a crop of the same seed family as designated in the petition and seed contractor operating in the county in which the petition originated, may be heard relative to any evidence he wishes to present regarding action upon the petition. Thereafter the Director of Agriculture may order any area within any such county petitioned declared to be a seed control area.

Notice of hearing.

Order after hearing.

Permit required in control area.

SEC. 5. From and after the date of the declaration of any area as a seed control area, no vegetable seed grower or other person shall be allowed to plant, cultivate or harvest or contract for any vegetable seed within the said area except upon permit first

being granted by the county horticulturist of the county in which such seeds are harvested. Such permit shall be granted where, in the judgment of the county horticulturist, such would not result in cross-pollination, and it shall be the duty of the grower to produce such evidence as is necessary for a determination of the matter to the office of the county horticulturist.

County horticulturist to issue.

SEC. 6. Upon any area being declared a seed control area, it shall remain such until ordered canceled by the State Director of Agriculture, at such time as he shall deem it to be in the best public interest.

Control continues until canceled by Director.

Passed the House March 2, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 249.

[H. B. 223.]

COUNTY TREASURERS.

AN ACT requiring County Treasurers to take oath and give bond, amending section 2739, Code of Washington Territory, 1881 (section 4107, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. Section 2739, Code of Washington Territory, 1881, (section 4107, Remington's Revised Statutes) is hereby amended to read as follows:

Amendments.

Section 2739. The County Treasurer, before he enters on the duties of his office, shall take an oath faithfully to discharge the duties of his office as prescribed by law; he shall also, before he shall enter upon the duties of his office, give a bond to the county, with at least two sureties, residing in the county, in a penal sum of not less than double the amount of funds liable to come into the hands of

Treasurer to take oath.

Give bond.

Commissioners fix amount of bond.

the said Treasurer during his term of office, the amount to be fixed and the bond to be approved by the County Commissioners of the proper county, conditioned that all moneys received by him for the use of the county shall be paid as the Commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any Court, or otherwise, and for the faithful discharge of his duties: *Provided*, That no bond shall be required of any County Treasurer in an amount greater than two hundred fifty thousand dollars (\$250,000) in class A counties, two hundred thousand dollars (\$200,000) in first class counties, one hundred fifty thousand dollars (\$150,000) in second, third and fourth class counties, and one hundred thousand [dollars] (\$100,000) in all other counties.

Maximum bonds.

Effective immediately.

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

Passed the House February 16, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 250.

[H. B. 225.]

MARRIAGE LICENSES.

AN ACT relating to the issuance of marriage licenses and amending section 6, chapter 204, Laws of 1939 (section 8450-5, Remington's Revised Statutes, Supplement).

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

SECTION 1. Section 6, chapter 204, Laws of 1939 (section 8450-5, Remington's Revised Statutes, Supplement), is amended to read as follows: Amendments.

Section 6. Such County Auditor shall issue no license until the third full day following the filing of such application, exclusive of the date of filing said application: *Provided, however,* That a Judge of the Superior Court for such county may, by an order in writing signed by him, direct the Auditor to deliver such license at any time after the application therefor, and said order shall be placed on file by the County Auditor as a public document, and shall constitute compliance with the provisions of this act: *Provided, further,* That such Judge shall, before issuing such order, require that the parties making application for such marriage license shall be examined under oath, and shall give the reasons why such license should not be withheld by the County Auditor for the statutory period. In all cases, the license shall state that the parties therein named have complied with the provisions of this section. License to issue after three days.
Court may direct waiver.
Judge to question applicants under oath.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 251.

[H. B. 337.]

RURAL COUNTY LIBRARY DISTRICTS.

AN ACT relating to Rural County Library Districts, amending section 4a, chapter 119, Laws of 1935, having been added thereto by section 4, chapter 65, Laws of 1941 (section 8226-4a, Rem. Supp. 1941); and declaring an emergency.

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

Amendments.

SECTION 1. Section 4a, chapter 119, Laws of 1935, having been added thereto by section 4, chapter 65, Laws of 1941 (section 8226-4a, Rem. Supp. 1941), is hereby amended to read as follows:

Districts render free service.

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

Establish by vote.

Procedure.

The procedure for the establishment of such a Rural County Library District shall be as follows: (1) petitions signed by at least one hundred (100) tax paying citizens of the county, outside of the area of incorporated cities and towns, asking that the question: "Shall a Rural County Library District be established?" shall be filed with the Board of County Commissioners. (2) The Board of County Commissioners, after having determined that the petition was signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of a Rural County Library District on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. (3) If a majority of the electors voting on the proposition vote in favor of the establishment of a Rural County Library District, the Board of County Commissioners

Question.

shall forthwith declare it established. After the Board of County Commissioners has declared a Rural County Library District established, it shall appoint a Board of Library Trustees as is provided in section 8 hereof and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than two (2) mills per annum sufficient for the library service as is required by the budget submitted to the Board of County Commissioners by the Board of Library Trustees. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district. The Board of Library Trustees of the district shall have authority to contract indebtedness and evidence the same by the issuance and sale at par plus accrued interest not exceeding six per cent (6%) per annum of coupon warrants of the district in such form as the Board of Library Trustees shall determine, and the same may be issued in advance of the tax levy. Such warrants, signed by the chairman and the secretary of the Board of Library Trustees, shall be payable at such time or times as the Board of Library Trustees shall provide not longer than six (6) years from the date thereof. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semi-annually on the first day of January and of July, and the issuance thereof shall be recorded in the office of the County Treasurer in a book kept for that purpose. All outstanding district warrants of every kind shall outlaw and become void after six (6) years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment. At no time shall the total indebtedness of the district exceed an amount that could be raised by a two (2) mill levy on the then existing valuation of the property of the district. It shall be the duty

Commissioners appoint trustees.

Provide funds by tax levy.

Levy limited to 2 mills.

Powers of library board.

Debt limit.

Treasurer
to handle
funds.

of the County Treasurer of the county in which any Rural County Library District is created under this act to receive and disburse all district revenues and to collect all taxes levied under this act.

Public
corporation.

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

Effective
immediately.

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

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 252.

[S. B. 47.]

CODIFICATION OF STATUTES RELATING TO COUNTIES.

AN ACT relating to the codification of constitutional and statutory provisions relating to counties and county officers, and to the statutory law of the state in general; providing for the continuous revision and codification of statutes of a general and permanent nature; amending section 5, chapter 149, Laws of 1941; and further amending chapter 149, Laws of 1941 (sections 152-36 to 152-39, Rem. Supp. 1941), by adding thereto three (3) new sections to be known as sections 6, 7 and 8; making appropriation and declaring an emergency.

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

Amendments.

SECTION 1. Section 5, chapter 149, Laws of 1941, is amended to read as follows:

Continuing
committee.

Section 5. The Committee shall be a continuing Code Committee with full power of revision and codification of the laws above referred to, and shall

have the power and duty to assign code numbers to such general laws as shall hereafter be passed at any legislative session; and the said Committee shall certify to the Secretary of State the numbers given to the sections which the Committee has determined shall be incorporated in such code.

Assign code numbers.

SEC. 2. Chapter 149, Laws of 1941 (sections 152-36 to 152-39, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 6 and to read as follows:

Amendments.

Section 6. The said Committee shall have authority to employ and fix the compensation of an experienced attorney to make continuous studies of the statutes for the purpose of revising and simplifying the same, reconciling conflicting provisions, and eliminating obsolete statutes. The Committee shall also have authority to provide adequate clerical assistance and supplies, and to incur expenses incident to the work of said Committee. The duties to be performed under this paragraph shall be subject to the direction and supervision of the Committee. All vouchers for payments or expenditures of the Committee of every kind shall be approved by the Committee or by such member or members thereof as the Committee shall designate.

Committee to employ attorney.

Clerks and supplies.

Approve vouchers.

SEC. 3. Chapter 149, Laws of 1941 (sections 152-36 to 152-39, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 7 and to read as follows:

Amendments.

Section 7. The Committee shall not adopt any numbering system unless the owner thereof, whether the said system be patented or otherwise, shall first have filed in the office of the Secretary of State a written agreement, running to the State of Washington, and enforceable by any interested person, to the effect that said numbering system, if adopted, shall be available to, and may be used without charge or compensation, by any person who may at any

Agreement for free use.

time hereafter elect to publish the laws of this state, either in whole or in part.

Amendment
by adding
new section.

SEC. 4. Chapter 149, Laws of 1941 (sections 152-36 to 152-39, Rem. Supp. 1941), is amended by adding thereto a new section to be known as section 8 and to read as follows:

Collaboration
by request.

Section 8. If requested by the Committee, any department or official of the government of the State of Washington shall collaborate with the Committee in the revision and recompilation of the laws relating to or affecting such department official.

Collaborate
on county
code.

SEC. 5. The said Committee as part of its activities in collaboration with a committee of county officials (to be appointed by the Governor for that purpose, the number of which shall be at the discretion of the Governor, and the services of whom on such Committee are hereby declared to be official county business) shall cause to be prepared a compilation of all the constitutional and statutory provisions with respect to counties and county officers together with recommendations as to any revisions, amendments and additions which in the judgment of the Committee should be made to existing statutory provisions with respect to counties and county officers. Said constitutional provisions together with the statutory provisions in substance and form as recommended by said Committee shall be submitted to the 1945 legislature in such form that the legislature upon adoption thereof may cause the same to be printed in pamphlet form for the use of various county officials.

Appropriation.

SEC. 6. There is hereby appropriated out of any money in the general fund not otherwise appropriated the sum of forty thousand dollars (\$40,000) or so much thereof as may be necessary, to be used in carrying out the provisions of this act.

Effective
immediately.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its ex-

isting public institutions and shall take effect immediately.

Passed the Senate March 11, 1943.

Passed the House March 11, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 253.

[H. B. 139.]

ROADS AND BRIDGES WITHIN STATE PARKS.

AN ACT relating to vehicular roads, highways and bridges within state parks, prescribing the powers and duties of certain officials and making an appropriation.

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

SECTION 1. The Director of Highways is hereby authorized at the request of, and upon plans approved by the State Parks Committee, to construct and maintain vehicular roads, highways and bridges within the limits of the several state parks.

Director of
Highways to
build park
roads.

SEC. 2. There is hereby appropriated from the motor vehicle fund to the Department of Highways the sum of one hundred thousand dollars (\$100,000) for the maintenance and construction aforesaid, which sum shall be deducted before ascertaining the net tax amount in the motor vehicle fund to be credited to the incorporated cities and towns and to the counties of the State of Washington under the provisions of section 3, chapter 181, Laws of 1939 (section 6600-1e, Remington's Revised Statutes, Volume 7A).

Appropriation.

Passed the House March 4, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 23, 1943.

CHAPTER 254.

[H. B. 14.]

DISCRIMINATION AS TO COMPENSATION BETWEEN
MALES AND FEMALES.

AN ACT relating to discrimination as between sex in compensation for similar services and providing for penalties; and amending chapter 174, Laws of 1913 (section 7638 Remington's Revised Statutes).

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

Amendments.

SECTION 1. Amend chapter 174, Laws of 1913 (section 7638, Remington's Revised Statutes) by adding thereto a new section immediately following section 17 to be known as section 17-1, which section shall read as follows:

Sex discrimination unlawful.

Section 17-1. Any employer in this state, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males similarly employed, or in any employment formerly performed by males, shall be guilty of a misdemeanor. If any female employee shall receive less compensation because of being discriminated against on account of her sex, and in violation of this section, she shall be entitled to recover in a civil action the full amount of compensation that she would have received had she not been discriminated against. In such action, however, the employer shall be credited with any compensation which has been paid to her upon account. A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of this act.

Penalty.

Right to recovery.

Passed the House March 2, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 255.

[H. B. 167.]

EQUALIZATION AND RELIEF FOR SMALL SCHOOLS.

AN ACT relating to education, providing equalization and relief for small schools; granting the State Board of Education certain powers in relation thereto; and amending section 3, chapter 226, Laws of 1937 (section 4934-4, Remington's Revised Statutes, Supplement).

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

SECTION 1. That section 3, chapter 226, Laws of 1937 (section 4934-4, Remington's Revised Statutes, Supplement), is amended to read as follows:

Amendments.

Section 3. After the close of each school year and not later than August 1, the County Superintendent of Schools of each county shall compute the amount needed by each school district within his county to provide it with a minimum school district revenue of fifteen cents for each day's attendance during the preceding school year as determined by section 4934 of Remington's Revised Statutes. He shall also compute the amount which the maximum school district levy permissible under section 1, chapter 4, Laws of 1933, will produce upon the assessed valuation of each district for such year without a vote of the electors and irrespective of any limitation imposed on the tax levy of the district by virtue of any requirements respecting the payment of bonded indebtedness. If the amount which the aforesaid maximum school district levy will produce is less than the minimum school district revenue of fifteen cents for each day's attendance computed in the manner hereinabove provided for, the computations, the deficit and the actual levy for such district shall be certified by the County Superintendent of Schools to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall place such deficit for such district as a

County Supt. to compute needed amount.

Minimum.

Compute maximum levy.

Certify deficit if any.

Charge against equalization fund.

charge against the State School Equalization Fund, and at the time of making regular apportionments beginning on September 20 of each year shall apportion from the State School Equalization Fund to the County Treasurer of each county one twelfth of the amount due the school districts of said county.

Board to set minimum standards.

The State Board of Education shall establish minimum standards governing the maintenance and operation of the common schools of the state and shall also establish a schedule of minimum funds required by school districts to enable them to meet the aforesaid minimum standards. Any school district in which the plan for the maintenance and operation of schools is in conformity with the aforesaid minimum standards and in which the revenues available from all sources, including the proceeds of the maximum district levy as hereinabove defined, are less than the amount necessary to meet the aforesaid schedule of minimum funds, may be granted by the Superintendent of Public Instruction from the State School

Fund may meet shortage.

Equalization Fund a sufficient additional amount which, when added to other revenues, shall meet the schedule of minimum funds, and such additional amount shall be apportioned at the same time and in the same manner as other equalization funds are apportioned. In computing and making payments from

May pay 80% of transportation cost.

the state school equalization fund the Superintendent may pay not to exceed eighty per cent (80%) of the cost of transportation of any district notwithstanding the restriction of fifty per cent (50%) in Remington's Revised Statutes, section 4719. The County Treasurer shall immediately notify the County Superintendent of Schools of the amount received and the County Superintendent shall apportion the said amount to such school districts of his county as the same is due at the same time he distributes the county school funds: *Provided*, That if

County Supt. to apportion.

the total school district levy is smaller than the maximum levy hereinabove required to be used in com-

Proviso.

puting the equalization funds due the district, the sum allowed that district for equalization purposes shall be reduced by that percentage which the actual levy is less than the maximum levy.

Passed the House March 1, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 256.

[H. B. 168.]

IRRIGATION, DIKING AND DRAINAGE DISTRICTS.

AN ACT relating to irrigation, diking or drainage districts; prescribing the form and contents of deeds issued on foreclosure of assessments; and amending section 30, chapter XXI (21), page 687, Laws of 1889-90 (section 7448, Remington's Revised Statutes).

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

SECTION 1. That section 30, chapter XXI (21), Amendments.
page 687, Laws of 1889-90, as amended by section 1, chapter 101, Laws of 1935, (section 7448, Remington's Revised Statutes) be amended to read as follows:

Section 30. The matter recited in the certificate Contents of
of sale must be recited in the deed, and such deed deed.
duly acknowledged or proved is *prima facie* evidence that—

First: That property was assessed as required by law.

Second: That property was equalized as required by law.

Third: That the assessments were levied in accordance with the law.

Fourth: The assessments were not paid.

Fifth: At a proper time and place the property was sold as prescribed by law and by the proper officers.

Contents
of deed.

Sixth: The property was not redeemed.

Seventh: The person who executed the deed was the proper officer.

Eighth: Such deed, duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed.

Ninth: When the grantee in the deed is a party other than the irrigation district or the county, the deed conveys to the grantee the absolute title to the lands described therein, free from all encumbrances, except general taxes, drainage or diking district assessments, drainage or diking improvement district assessments, and all existing irrigation district assessments.

Tenth: When the grantee in the deed is the irrigation district or the county, the deed conveys to the grantee the absolute title to the lands described therein, free from all encumbrances except drainage or diking district assessments or installments thereof not delinquent at the time of sale, drainage or diking improvement district assessments or installments thereof not delinquent at the time of the sale, also except all existing irrigation district assessments or installments thereof not delinquent at the time of the sale, pursuant to which deed is issued.

Eleventh: If the irrigation district reconveys, which it may do upon installments or for cash, any lands so acquired by it to a grantee who has a right to such reconveyance under section 7445 of Remington's Revised Statutes, the grantee before receiving deed, shall pay all general taxes, drainage or diking district assessments, drainage or diking improvement district assessments and irrigation district assessments which have been cancelled by the deed to the irrigation district, such payment being made to the County Treasurer for the benefit of the respective

taxing districts entitled thereto, and such grantee shall also pay any expenses of the irrigation district incurred in caring for, operating, or improving said land.

Contents
of deed.

Twelfth: All proceeds received by a county or irrigation district from any lands so acquired, shall be paid to the County Treasurer, and by him distributed pro rata between the county, the irrigation districts, the drainage or diking district, the drainage or diking improvement districts, and the local improvement districts holding liens against said lands at the time the county or the irrigation district acquired title, in proportion to the amounts of the respective liens: *Provided*, That there can be first deducted therefrom and reimbursed to the district or county advancing same, any expenses incurred in caring for, operating, or improving said land.

Thirteenth: When the land is owned by the United States, or this state, the provisions of subsections nine, ten and eleven shall not apply, and in such cases the deed shall be *prima facie* evidence of the right of possession.

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 257.

[H. B. 183.]

PREDATORY ANIMALS.

AN ACT relating to and providing for control of predatory animals; authorizing cooperation with the United States in the control of such predatory animals and defining the powers and duties of the Department of Agriculture in relation thereto, and declaring an emergency.

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

Department of Agriculture to cooperate in destruction of predators.

SECTION 1. The State Department of Agriculture is hereby authorized and directed to cooperate with the United States Department of the Interior, Fish and Wildlife Service, in the control and destruction of coyotes, wolves, mountain lions, bobcats, and other predatory animals in this state that are injurious to livestock, poultry, game, and the public health in accordance with organized and systematic plans of the Fish and Wildlife Service covering the control and destruction of such predatory animals; and for this purpose to enter into written agreements with the Fish and Wildlife Service covering the methods and procedure to be followed in the control and destruction of such predatory animals, the extent of supervision to be exercised by either or both the State Department of Agriculture and the Fish and Wildlife Service, and the use and expenditure of the funds appropriated therefor: *Provided*, That the State Department of Agriculture, in cooperation with the Fish and Wildlife Service, is authorized also to enter into cooperative agreements with other governmental agencies, and counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of predatory animals.

Enter written agreements.

Join with other agencies.

SEC. 2. The State Department of Agriculture is hereby authorized to make such expenditures for equipment, materials, supplies and other expenses, including expenditures for personal services, as may be necessary to execute the functions imposed upon it by this act and as may be provided for by the Legislature from time to time.

To make expenditures.

SEC. 3. All skins and specimens taken by hunters whose salaries are paid out of funds appropriated for the administration of this act shall be disposed of in such manner as the State Department of Agriculture shall determine to be in the best interests of the state: *Provided*, That if such skins or specimens are sold, the net proceeds of such sales shall be deposited to the credit of the general fund in the State Treasury.

Dispose of skins and specimens.

Proceeds to treasury.

SEC. 4. Should the Courts declare any section, provision, paragraph, clause, sentence, phrase or part thereof of this act invalid, then such decisions shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof so declared invalid and shall not affect any other part of this act.

Saving clause.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

Conflicting acts repealed.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Effective immediately.

Passed the House February 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 258.

[H. B. 186.]

REFUND OF OVERCHARGES BY PUBLIC SERVICE COMPANIES.

AN ACT relating to refunds of overcharges by public service companies and prescribing procedure in matters relating thereto; and amending sections 1 and 3, chapter 29, Laws of 1937 (sections 10433 and 10433-2, Remington's Revised Statutes, Supplement).

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

Amendments. SECTION 1. Section 1, chapter 29, Laws of 1937 (section 10433, Remington's Revised Statutes, Supplement), is amended to read as follows:

Excessive charges to be refunded.

Section 1. When complaint has been made to the Department of Public Service concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the Department, and the Department has determined that the public service company has charged an excessive or exorbitant amount for such service, and the Department has determined that any party complainant is entitled to an award of damages, the Department shall order that the public service company pay to the complainant the excess amount found to have been charged, whether such excess amount was charged and collected before or after the filing of said complaint, with interest from the date of the collection of said excess amount.

Amendment. SEC. 2. That section 3, chapter 29, Laws of 1937 (section 10433-2, Remington's Revised Statutes, Supplement), is amended to read as follows:

Suit may follow failure to comply.

Section 3. If the public service company does not comply with the order of the Department for the payment of the overcharge within the time limited in such order, suit may be instituted in any

Superior Court where service may be had upon the said company to recover the amount of the overcharge with interest. It shall be the duty of the Department to certify its record in the case, including all exhibits, to the Court. Such record shall be filed with the Clerk of said Court within thirty days after such suit shall have been started and said suit shall be heard on the evidence and exhibits introduced before the Department and certified to by it. If the complainant shall prevail in such action, the Superior Court shall enter judgment for the amount of the overcharge with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying said record for the benefit of and to be paid to the Department by complainant, and deposited by the Department in the public service revolving fund, said sums to be fixed and collected as a part of the costs of the suit. If the order of the Department shall be found to be contrary to law or erroneous by reason of the rejection of testimony properly offered, the Court shall remand the cause to the Department with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive. The Court may in its discretion remand any cause which is reversed by it to the Department for further action. Appeals to the Supreme Court shall lie as in other civil cases. All complaints concerning overcharges resulting from collecting unreasonable rates and charges or from collecting amounts in excess of lawful rates shall be filed with the Department within six months in cases involving the collection of unreasonable rates and two years in cases involving the collection of more than lawful rates from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the

Department
to certify
record.

Time limit.

Judgment
to carry
attorney fee
and costs.

Erroneous
order to be
remanded.

Appeal.

Time limit
for filing
overcharge
claims.

Superior Court within one year from the date of the order of the Department.

Procedure
exclusive.

The procedure provided in this section is exclusive, and neither the Supreme Court nor any Superior Court shall have jurisdiction save in the manner hereinbefore provided.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 259.

[H. B. 198.]

DEED TO MARGARET ANN MORGAN AND LU MORGAN.

AN ACT authorizing and directing a conveyance of certain real estate to Margaret Ann Morgan and Lu Morgan, wife and husband.

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

Conveyance
authorized.

SECTION 1. That the Governor is hereby authorized and directed to execute on behalf of the State of Washington and the Secretary of State to attest, a quit claim deed, conveying to Margaret Ann Morgan and Lu Morgan, wife and husband, the following described real estate:

Description.

A parcel of land containing 6.57 acres, more or less, being all that portion of a tract of land to be hereinafter described which is situated in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 14, Township 21 North, Range 4 East, W. M., in King County, State of Washington, excepting therefrom a highway right of way 200 feet wide over, across and upon said parcel of land, said right of way being 100 feet wide on each side of the center line of the now existing Primary State Highway No. 5.

The hereinbefore mentioned tract of land is de-
scribed as follows: Description.

A portion of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ de-
scribed as follows: Beginning at intersection of
south line said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ with westerly line of
State Aid Road No. 69; thence northeasterly along
said line to north line said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thence west
along subdivision 1620 feet; thence south 660 feet;
thence southeasterly to point on south line said SW $\frac{1}{4}$
of SE $\frac{1}{4}$ 150 feet West of point of beginning; thence
east to beginning, except S. T. P. Co. Pole Line Spur,
except portion condemned for County Road No. 1476
and except portion said premises, if any, lying be-
tween west line State Aid Road No. 69 and County
Road No. 45, less beginning intersection south line
section and center line State Aid Road No. 69; thence
northerly along said center line 1015 feet; thence
north 70°10' 30" West 75 feet to true beginning;
thence west 272 feet; thence south 16°42' 30" West to
north line State Road No. 5; thence along north and
west lines said roads to true beginning. Being Tax
Lot Number 12, Section 14, Township 21 North,
Range 4 East, W. M.

Passed the House February 25, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 260.

[H. B. 220.]

BOND PREMIUMS FOR BONDS FOR DEPUTY
COUNTY OFFICERS.

AN ACT providing for payment of bond premiums for bonds of deputy county officers and declaring an emergency.

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

County to
pay bond
premiums.

SECTION 1. Whenever any county officer shall require any of his deputies to give bond the premium therefor shall be paid by the county in the same manner as are other county expenses.

Effective
immediately.

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

Passed the House February 16, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 261.

[H. B. 226.]

UNIFORM LAW ON FRESH PURSUIT.

AN ACT to make uniform the law on fresh pursuit, and authorizing this state to cooperate with other states therein.

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

Authority
to arrest in
fresh pursuit.

SECTION 1. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody

as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

SEC. 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act, he shall, without unnecessary delay, take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state. If the magistrate determines that the arrest was unlawful, he shall discharge the person arrested.

Magistrate to determine lawfulness.

Commit for extradition or order discharge.

SEC. 3. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which otherwise would be lawful.

SEC. 4. For the purpose of this act the word "state" shall include the District of Columbia.

SEC. 5. The term "fresh pursuit" as used in this act, shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who reasonably is suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony actually has been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

"Fresh pursuit" defined.

SEC. 6. Upon the passage and approval by the Governor of this act, it shall be the duty of the Secretary of State, or other officer, to certify a copy of

Certify act to states.

this act to the executive department of each of the states of the United States.

Saving
clause.

SEC. 7. If any part of this act is for any reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

Citation.

SEC. 8. This act may be cited as the Uniform Act on Fresh Pursuit.

Passed the House February 16, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 262.

[H. B. 227.]

ANNUITIES FOR PERSONNEL OF STATE EDUCATIONAL INSTITUTIONS.

AN ACT relating to old age annuities for teachers and employees of state educational institutions, and amending section 1, chapter 223, Laws of 1937 (section 4543-11, Remington's Revised Statutes, Supplement).

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

Amendments.

SECTION 1. Section 1, chapter 223, Laws of 1937 (section 4543-11, Remington's Revised Statutes, Supplement), is amended to read as follows:

Boards to
assist in
purchase.

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 are authorized and empowered to assist the faculties and such other employees of their respective institutions as the Boards of Regents and Boards of Trustees may designate, to purchase old age annuities under such rules and regulations as the Regents and Trustees of said institutions may prescribe: *Provided*, That

in no case the Regents or Trustees shall in any one (1) year pay more than one-half ($\frac{1}{2}$) of the annual premium of any individual, nor an amount in excess of five per cent (5%) of the individual's salary, nor render any assistance in the purchase of an annuity for a teacher or any other designated employee who has not taught at, or been in the service of the contributing institution two or more years:

Amount of
payment
limited.

Provided, further, That when county agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents are paid jointly by the State College of Washington and the several counties, the State College of Washington may match the amounts paid personally by the various agents but not to exceed five per cent (5%) of the combined salary paid from funds of the State College of Washington and the several counties: *Provided, further,* That all funds received for and derived from the purchase of said annuities shall be placed in a special fund.

Certain
others
included.

Proviso.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 263.

[H. B. 246.]

REGISTRATION OF BRANDS OF CONCENTRATED COMMERCIAL FEEDING STUFF, FERTILIZER OR LIVESTOCK REMEDY.

AN ACT relating to Department of Agriculture and amending section 23, chapter 211, Laws of 1939 (section 7016-23, Remington's Revised Statutes).

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

- Amendments.** SECTION 1. Section 23, chapter 211, Laws of 1939 (section 7016-23, Remington's Revised Statutes), is hereby amended to read as follows:
- Brands to be registered.** Section 23. It shall be unlawful for any person, whether at wholesale or retail, to sell, offer to sell, or distribute any brand of concentrated commercial feeding stuff, fertilizer, or livestock remedy in the State of Washington, unless each such brand shall have been registered with the Director on a form prescribed and provided by the Director and showing the ingredients and the guaranteed analysis, and
- Fee fixed by director.** a registration fee in an amount to be fixed by said Director not in excess of six dollars (\$6.00) for each brand shall have been paid to the said Director. Each such person shall, on or before the first day of April of each calendar year, pay to the Director an
- Pay fee annually.** annual registration fee in an amount to be fixed by said Director not in excess of six dollars (\$6.00) for each such brand manufactured or mixed by him, which fee shall be paid by the Director into the
- Use for enforcement.** state treasury to be used exclusively for the maintenance and enforcement of the provisions of this act: *Provided*, That a sum not to exceed fifteen
- May use portion for equipment.** per cent (15%) of the registration fees above specified, collected in any one year, may be used with the approval of the Director for the purchase of

equipment and materials necessary to facilitate the testing and analysis of concentrated commercial feeding stuff, fertilizer, or livestock remedy.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 264.

[H. B. 254.]

METROPOLITAN PARK DISTRICTS.

AN ACT relating to the formation of Metropolitan Park Districts; park officials, their election, terms of office, powers and duties; methods and means for financing such districts and prescribing their limits of indebtedness; validating certain acts of Metropolitan Park Districts, their commissioners, officers, employees and agents; repealing chapter 98 of the Laws of 1907, chapter 131 of the Laws of 1909, chapter 135 of the Laws of 1919, chapter 97 of the Laws of 1925 Extraordinary Session, chapter 268 of the Laws of 1927, chapters 36 and 38 of the Laws of 1939, and chapter 219 of the Laws of 1941, sections 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6738, 6739, 6740, and 6741 of Remington's Revised Statutes; and declaring an emergency.

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

SECTION 1. That the cities of the first class in the State of Washington, and such contiguous property the residents of which may decide in favor thereof in the manner hereinafter set out, are hereby authorized and empowered to create a Metropolitan Park District for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards, now or hereafter located within such park district.

First class cities may create.

SEC. 2. At any general election, or at any special election which may be called for that purpose, or at any city election held in such city in each of the

Election.

Election
on petition.

various voting precincts of such city, the City Council or Commission may, or on petition of fifteen per cent (15%) of the qualified electors of such city based upon the registration for the last preceding general city election shall, by ordinance, submit to the voters of such city the proposition of creating a Metropolitan Park District, the limits of which Park District shall be co-extensive with the limits of such city as now or hereafter established, inclusive of territory annexed to and forming a part of such incorporated City of the First Class, which said territory by virtue of such annexation to any city having theretofore created a Park District under this act shall be deemed to be the limits of such Metropolitan Park District, and the City Council or Commission shall submit such proposition at the special election to be called therefor when such petition so requests. In submitting the said question to the voters for their approval or rejection, such City Council or Commission shall pass an ordinance declaring its intention to submit the proposition of creating a Metropolitan Park District to the qualified voters of such city, which said ordinance shall be published for at least five (5) days in a daily newspaper published in said city, and said City Council or Commission shall cause to be placed upon the ballot for such election, at the proper place, the proposition which shall be expressed on said ballot in the following terms:

Limits to be
co-extensive.

Ordinance.

Publication.

Form of
expression.

"For the formation of a Metropolitan Park District."

"Against the formation of a Metropolitan Park District."

Majority in
favor adopts.

SEC. 3. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such Park District, the City Council or Commission shall so declare in its canvass of the returns of such election, and such Park District

shall then be and become a municipal corporation of the State of Washington, and the name of such Metropolitan Park District shall be "Metropolitan Park District of (inserting the name of the city constituting the Park District)."

Municipal corporation.

Name.

At the same election at which the proposition is submitted to the voters as to whether a Metropolitan Park District shall be formed five (5) park commissioners shall be elected to hold office respectively for the following terms: in Cities of the First Class holding general elections biennially, one (1) commissioner shall be elected to hold office for two years and two (2) for four years and two (2) for six years and their respective successors shall be elected at each biennial election for a term of six years and until their respective successors are elected and qualified. In Cities of the First Class holding elections every three years two (2) commissioners shall be elected for three years and three (3) commissioners shall be elected for six years and thereafter two (2) and three (3) commissioners respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified. All Park Commissioners elected by virtue of this act shall perform their duties without compensation. The term of each nominee for Park Commissioner shall be expressed on the ballot. The election of said Park Commissioners shall be held in conjunction with and in the manner provided by the laws of the state for Cities of the First Class within which said such Metropolitan Park District may be situated. Nominations for the Park Commissioners shall be by petition of one hundred (100) qualified electors of such Park District to be filed in the office of the City Clerk of such city for the first election and with the Secretary of such Metropolitan Park District for all succeeding elections. Such nominations to be so filed as provided by section 5, chapter 53, Laws of

Commissioners to be elected at same time.

Terms of commissioners.

Serve without pay.

Nominate by petition.

Vacancies
filled by
appointment.

Voting quali-
fications.

1923 (section 5148-1, Remington's Revised Statutes; 2120-7a, Pierce's Code): *Provided, however,* That in the event of a vacancy caused by death, resignation, or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining commissioners until the next regular election for Park Commissioners. Any person residing in said park district, who is at the time of holding of any such election a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such Metropolitan Park District, and the registration of voters for elections to be held in such Metropolitan Park District shall be conducted by the City Clerk and officers of registration of the city and territory embraced within said Metropolitan Park District. And, a notice prescribed to be given by section 7, chapter 1, Laws of 1933 (section 5114-7, Remington's Revised Statutes; 2321-17, Pierce's Code) shall constitute sufficient notice to citizens residing within said Metropolitan Park District for registration for any general or special election therein without the necessity for such notice specifically stating that it is for the registration for an election to be held by a Metropolitan Park District. And, any elector, who shall have registered in accordance with the laws of this state entitling him to vote at a general or special election in the city or territory comprised within such Metropolitan Park District within time to constitute same a good registration for any general or special election of said Metropolitan Park District, shall be entitled to vote thereat without further or other registration. The City Clerk or Registration Officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city or municipal elections when not inconsistent with the foregoing provisions shall

govern the registration of voters for elections held under this chapter and the registration book of the city and territory comprising said Park District shall be the books used by said Park District and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said Metropolitan Park District shall be in accordance with the laws of this state and charter provisions of the city within which said Park District lies in so far as the same are not inconsistent with the provisions of this act.

General
election laws
govern.

SEC. 4. When the said Metropolitan Park District shall be created as hereinbefore provided for, it shall at once be and become a separate and distinct corporation, the officers of which shall be a Board of Park Commissioners consisting of five (5) members, and said Board of Park Commissioners shall annually elect one (1) of their number as president and another of their number as clerk of said board. Such corporation is hereby given the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said Park District, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. Said Park Commissioners shall have authority to pass orders, providing for all condemnations which they may desire to institute for the purpose of this act, and to bring actions in the proper courts for the condemnation of lands, to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park policemen, for a Secretary of the Board of Park Commissioners and

Separate
corporation.

Officers of
board.

Powers of
board.

May set up
civil service
for
employees.

Plan.

for all necessary employees, and to fix their salaries and duties: *Provided, however,* That any Metropolitan Park District is empowered to establish civil service for its employees by resolution upon the following plan: (a) Such resolution shall create a civil service commission with authority to appoint a personnel officer and to make rules and regulations for classification based upon suitable differences in pay for differences in work, and for like pay for like work, and for competitive entrance and promotional examinations; for certifications, appointments, probationary service periods and for dismissals therein; for demotions and promotions based upon merit and for reemployments, suspensions, transfers, sick leaves and vacations; for lay-offs when necessary according to seniority; for separations from the service by discharge for cause; for hearings and reinstatements; for establishing status for incumbent employees, and for prescribing penalties for violations. (b) The Civil Service Commission and personnel officer shall adopt rules to be known as civil service rules to govern the administration of personnel transactions and procedure. The rules so adopted shall have the force and effect of law, and, in any and all proceedings, such rules shall be liberally interpreted and construed to the end that the purposes and basic requirements of the civil service system may be given the fullest force and effect. It being the true intent and meaning of this act to place the sole acquisition, management, improvement and control of all parks, boulevards and parkways belonging to or under the control of, said city, whether within or without the limits of said city, in such Board of Park Commissioners, and to create a Metropolitan Park District pursuant to this act, in which said district said sole acquisition, management, improvement and control, shall immediately vest: *Provided, however,* That all such parks, boulevards, parkways, aviation landings and playgrounds shall

be subject to the police regulations of any city within which they may lie.

SEC. 5. Said Board of Park Commissioners are hereby authorized to levy or cause to be levied a general tax on all the property located in said park district each year not to exceed two and one-half (2½) mills on the assessed valuation of the property in such park district. Said taxes when so levied shall be certified to the proper county official for collection the same as other general taxes. When such money is collected, it shall be placed in a separate fund to be known as the "Metropolitan Park District Fund" and paid out on warrants issued on the Board of Park Commissioners for the purposes specified in this act.

Board to levy tax.

Limit of tax.

Fund.

SEC. 6. That each and every Metropolitan Park District that may hereafter be organized pursuant to this act is hereby authorized and empowered, by and through its Board of Commissioners, to contract indebtedness for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-twentieths of one per cent of the taxable property in such Metropolitan Park District, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

Limitation of indebtedness.

Maximum.

SEC. 7. That each and every Metropolitan Park District hereafter to be organized, pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five per cent (5%) of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths (3/5) of the voters voting at said election in such Metropolitan Park District assent thereto, at an election to be held in said Metropolitan Park District in the manner provided by this act; which election may be

Vote may increase debt limit.

Maximum.

Three-fifths vote.

either a special or a general election, and the Park Commissioners of such Metropolitan Park District are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such Metropolitan Park District, to the qualified voters of such Park District at any time they may so order.

Sale of
bonds.

SEC. 8. In case the question of incurring indebtedness and issuing bonds as set forth and described in section 7 of this act shall be submitted to the voters of such Metropolitan Park District and carried as hereinabove provided for, the Commissioners of such Metropolitan Park District may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par.

Denomina-
tions of
bonds.

SEC. 9. Said bonds shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty (20) years from date of issue, and bear interest at a rate not exceeding five per cent (5%) per annum, payable annually, with coupons attached, for each interest payment. The bonds and each coupon shall be signed by the presiding officer of the Board of Park Commissioners and shall be attested by the Clerk of said Board, who shall be a member thereof. Said bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the Legislature of the State of Washington, entitled: "An act authorizing the formation of Metropolitan Park Districts, providing for park officials, fixing their powers and duties, and declaring

Term.

Interest rate.

Signatures
on bonds.

an emergency," approved March 11th, 1907, and re-enacted on the day of, 1943 (inserting the date of the approval of this act). Said bonds shall be payable as therein designated in any city of the United States having a national bank.

SEC. 10. Said Commissioners shall include in their general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds, and may include a sufficient amount to create a sinking fund for the redemption of such bonds. Said bonds shall be numbered from one (1) consecutively, and shall be payable in the order of their number beginning with bond numbered one (1).

Tax levy to retire bonds.

SEC. 11. Whenever there is money in the funds of such Metropolitan Park District and the Commissioners shall deem it advisable to apply the same or any part thereof upon the payment of bonded indebtedness, they shall advertise in a daily newspaper published within said park district for the presentation to them for payment of as many bonds issued under the provisions of this act as they may desire to pay with the funds on hand, said bonds to be paid in numerical order, beginning with bond numbered one, until all of said bonds are paid: *Provided*, That thirty (30) days after the first publication of said notice by the Board of such Park District, calling in any of said bonds by their number, said bonds shall cease to bear interest, which shall be stated in the notice calling for such bonds.

Payment of bonds.

Notice by publication.

Interest ceases 30 days after call.

SEC. 12. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said Metropolitan Park District issuing such bonds, and when presented to the Treasurer of the county having custody of the funds of such Park District at maturity, or thereafter and when so presented, if there are no funds in the treasury to pay the said coupons, it shall be the duty of

Payment of coupons.

Coupons bear interest after registration.

the County Treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Bond register.

SEC. 13. Before the bonds are delivered to the purchaser, they shall be presented to the County Treasurer who shall register them in a book kept for that purpose and known as the "Metropolitan Park Bond Register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable. Such County Treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of such Metropolitan Park District. The Board of Park Commissioners shall keep a register of such bonds similar to that provided for the County Treasurer.

Powers of Park Commissioners.

SEC. 14. Said Park Commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without said Park District, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as they shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city, and for the purchase of

lands within or without the limits of said city, whenever they shall deem such purchase to be for the benefit of the public and for the interests of said park district, and for the maintenance and improvement of the same, and for all expenses incidental to their office and duties.

SEC. 15. If at any time any proposed improvement of any parkway, avenue, street, or boulevard shall be deemed by said Park Commissioners to be a special benefit to the lands adjoining, contiguous, approximate to or in the neighborhood of such proposed improvement, if such lands be within the corporate limits of any City of the First Class, such Board of Park Commissioners may so declare and order, designating the property to be benefited thereby, and thereupon they may petition the City Council of such city to cause such improvement as said Commissioners may direct to be done and made on the local assessment plan, and the portion of the cost of such improvement as fixed by such assessment roll assessed against the said property so benefited in the same manner and under the same procedure as is now, or may hereafter be, enacted for local improvements by Cities of the First Class, in so far as such procedure is not inconsistent with the provisions of this act, and the remainder of the cost of such improvement to be paid out of any funds of such Metropolitan Park District in its possession or under its control. Said Board of Park Commissioners shall designate the kind, manner and style of the improvement so to be made, and may designate the time within which same shall be made.

May apply
L. I. D. plan
to special
benefits.

SEC. 16. Any person, firm or corporation, feeling aggrieved by the assessment against his or its property, may file objections with the City Council, and may appeal from the order confirming said assessment roll, in the same manner as objections and appeals are made in regard to local improvements in Cities of the First Class in the State of Washington.

Objectors
may appeal.

Local im-
provement
assessment
lien.

SEC. 17. The assessment for local improvements authorized by this act shall become a lien in the same manner, and be governed by the same law, as is provided for local assessments in Cities of the First Class, and such assessment shall be collected as local improvements in said Cities of the First Class.

City may
turn over
lands to
district.

SEC. 18. Any City of the First Class within or comprising any such Metropolitan Park District is hereby given authority to turn over to said Park Commissioners any lands which it may own, or any street, avenue, or public place within said city for playground, park or parkway purposes, and thereafter the control and management of the same shall vest exclusively in the said Board of Park Commissioners: *Provided, however,* That the police regulations of such city shall apply to all such premises.

Acceptance.

SEC. 19. Said Park Commissioners shall have power to accept public streets of the city and grounds for public purposes when the same shall be donated for park, playground, boulevard and park purposes.

Method of
annexing
adjoining
outside areas.

SEC. 20. The territory adjoining and in the same county with any park district organized under this act may be annexed to and become a part of such Metropolitan Park District, in the manner following: Any twenty-five (25) legal voters, residents within the territory proposed to be annexed, may petition the Board of Park Commissioners of such district to cause the question to be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of such adjoining park district: *Provided, however,* That where such territory proposed to be annexed shall be within the limits of an incorporated city or town other than the first class, such petition shall be signed by at least twenty (20) per cent of the qualified electors residing within such territory. The petition shall define the limits of the territory proposed to be annexed to such park district. Upon

Petition.

Proviso.

the filing of such petition with the Board of Park Commissioners, if said Commissioners shall concur in said petition, they shall provide for a hearing to be held for the discussion of such proposed annexation at the office of said Board of Park Commissioners, and shall give due notice of such hearing by publication in a daily newspaper published in said park district for at least five (5) days prior to said hearing. If said Park Commissioners shall concur in said petition, it shall be their duty to submit the proposal to the electors of such territory proposed to be annexed, at an election to be held in such territory. The said Commissioners shall, by order of such Board duly adopted, fix a time and place or places within the limits of the territory proposed to be annexed, for the holding of such election to determine the question of annexation, and said Commissioners shall name the persons to act as judges at such election, and shall give notice thereof by causing notice to be published for five (5) days in five (5) consecutive issues of a daily newspaper published in said park district, and by posting notices in five (5) public places within the territory proposed to be annexed in said district. The ballot to be used at such election shall be in the following form:

Board to hold hearing.

Notice of hearing.

Submit to vote if concurring.

Notice of election.

Ballot form.

- "For annexation to Metropolitan Park District."
- "Against annexation to Metropolitan Park District."

The judge or judges at such election shall make return thereof to the Board of Park Commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such Commissioners. If the majority of the votes cast upon that question at such election shall be for annexation, then such territory shall immediately be and become annexed to such park district, and the same shall thenceforth be a part of

Return of election.

Majority decides.

said park district, the same as though originally included in such district.

Payment of election expense.

SEC. 21. All election officers for any election held pursuant to these preceding sections shall be named by the Board of Park Commissioners and the expense of all such elections shall be paid out of the funds of such Metropolitan Park District.

District assumes debts.

SEC. 22. When any Metropolitan Park District shall be formed pursuant to this act, and shall assume control of the parks, parkways, boulevards, and park property of the city in which said park district is created, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

May issue refunding bonds.

Prior acts of boards validated.

SEC. 23. Acts of Metropolitan Park District Commissioners, and of the officers, employees and agents of Metropolitan Park Districts heretofore performed in good faith in accordance with the statutes which are hereby re-enacted, are hereby validated, and all assessments, levies and collections and all proceedings to assess, levy and collect as well as all debts, contracts and obligations heretofore made or incurred by or in favor of any Metropolitan Park District heretofore at any time existing and all bonds or other obligations thereof are hereby declared to be legal and valid and of full force and effect.

Saving clause.

SEC. 24. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SEC. 25. Chapter 98 of the Laws of 1907, chapter 131 of the Laws of 1909, chapter 135 of the Laws of 1919, chapter 97 of the Laws of 1925 Extraordinary Session, chapter 268 of the Laws of 1927, chapters 36 and 38 of the Laws of 1939, and chapter 219 of the Laws of 1941 (sections 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6738, 6739, 6740, and 6741 of Remington's Revised Statutes) are hereby repealed. Repeals.

SEC. 26. This act is necessary for the peace, welfare and safety of the state and the support of the state government and shall take effect immediately. Effective immediately.

Passed the House March 11, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 265.

[H. B. 281.]

HIGHWAYS--FRANCHISES.

AN ACT relating to highways and the power of the Director of Highways to grant franchises and permits thereon; amending sections 82, 83 and 87, chapter 53, Laws of 1937 (secs. 6400-82, 6400-83 and 6400-87, Rem. Rev. Stat., secs. 2696-538, 2696-539 and 2696-543, Pierce's Code).

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

SECTION 1. That section 82, chapter 53, Laws of 1937 (sec. 6400-82, Rem. Rev. Stat., sec. 2696-538, Pierce's Code) be amended to read as follows: Amendments.

Section 82. Any person, firm or corporation who shall construct or maintain on, over, across or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do Penalty.

so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense.

Amendment.

SEC. 2. That section 83, chapter 53, Laws of 1937 (sec. 6400-83, Rem. Rev. Stat., sec. 2696-539, Pierce's Code) be amended to read as follows:

Director to grant franchises.

Section 83. The Director of Highways shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three (3) successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five (5) days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time of such hearing, which shall be held in the Transportation Building at the state capitol. It shall be the duty of the County Auditor of the respective counties to cause such notices to be posted and published

Form of application.

Notice of hearing.

Contents of notice.

and to file proof of such posting and publication with the Director of Highways.

SEC. 3. That section 87, chapter 53, Laws of 1937 (sec. 6400-87, Rem. Rev. Stat., sec. 2696-543, Pierce's Code) be amended to read as follows:

Amend-
ments.

Section 87. The Director of Highways is empowered to grant a permit to construct or maintain on, over, across or along any state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such state highway for a distance greater than three hundred (300) feet. The Director of Highways may require such information as he deems necessary in the application for any such permit and may grant or withhold the permit within his discretion. Any permit granted may be cancelled at any time and any facilities remaining upon the right of way of such state highway after thirty (30) days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law.

Director may
issue limited
permits.

Cancellation.

Passed the House February 26, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 266.

[H. B. 282.]

CONVEYANCE OF LANDS BY MUNICIPALITIES TO STATE
FOR HIGHWAY PURPOSES.

AN ACT relating to highways, authorizing counties and other political subdivisions or municipal corporations of the state to convey land necessary for state highway purposes to the state, and amending section 26, chapter 53, Laws of 1937 (sec. 6400-26, Rem. Rev. Stat., sec. 2696-520, Pierce's Code).

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

Amend-
ments.

SECTION 1. That section 26, chapter 53, Laws of 1937 (sec. 6400-26, Rem. Rev. Stat., sec. 2696-520, Pierce's Code) be and the same is hereby amended to read as follows:

Conveyance
of rights
of way by
municipal
subdivisions.

Section 26. Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the Board of County Commissioners or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell or convey by gift such land or any interest therein to the State of Washington, without requiring competitive bids or notice to the public, and at such price as the board, directors or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The Board of County Commissioners or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to such land, passing title to the State of Washington, and such instrument need not require consideration other than the benefit which may be derived by the

May convey
without
notice or bid.

Deed.

grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and such state highway is upon the former route of any county road, the Board of County Commissioners shall cause the title to the existing right of way or so much thereof as the Director of Highways shall require to be transferred to the State of Washington by proper instrument.

Passed the House February 26, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 267.

[H. B. 298.]

CONSOLIDATION OF WATER DISTRICTS.

AN ACT relating to the consolidation of water districts; providing for certain elections, the incurring of indebtedness and the issuance of revenue bonds; and providing for the officers thereof.

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

SECTION 1. Two (2) or more water districts, adjoining or in close proximity to and in the same county with each other, may be joined into one (1) consolidated water district in the following manner: Twenty-five per cent (25%) of the legal electors residing within each of the water districts proposed to be consolidated may petition the Water District Commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated.

Districts may be joined.

Procedure.

SEC. 2. Upon the filing of such petitions with the Board of Water Commissioners of the water districts, if the said Water Commissioners of all of said districts shall concur in the said petitions, they shall

Auditor to check petitions.

then file such petitions with the County Auditor who shall within ten (10) days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of such petitions shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the Board of County Commissioners of the county in which the said districts are located. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Petitions
certified to
county com-
missioners.

SEC. 3. Upon the filing of such petitions with the Boards of Water Commissioners of the said water districts, if all the Boards of Water Commissioners shall be satisfied as to the sufficiency of the petitions and shall concur in the same, they shall thereupon transmit the petitions together with their certificates of concurrence attached thereto to the Board of County Commissioners of the county in which the water districts are located. The Board of County Commissioners of such county, upon receipt from the County Auditor of certificates as to there being a sufficient number of signatures of legal electors upon each of the petitions or in the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, upon receipt from the County Auditor of a certificate that the owners of at least a majority of the acreage in the pertinent water district have signed the petitions, the said Board of County Commissioners at a regular or special meeting shall cause to be published for at least two (2) weeks in two (2) successive weekly issues of some newspaper of general

Notice of
hearing.

circulation in said county and throughout the territory included in the pertinent water districts, a notice that such petitions have been presented and stating the time of a meeting at which a hearing upon the same shall be held and setting forth the boundaries of the water districts concerned.

SEC. 4. When such petitions are presented at the hearing as advertised, the said Board of County Commissioners shall hear the same or may adjourn said hearing from time to time, not exceeding one (1) month in all and any person, firm or corporation may appear before the Board of County Commissioners and make objections to the proposed consolidation. Upon the final hearing, the said Board of County Commissioners shall find whether the proposed consolidation of two or more water districts will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of said water districts. No person having signed such petition as hereinabove provided for shall be allowed to withdraw his name therefrom after the filing of the same with the Board of Water Commissioners of any of said water districts.

Conduct of hearing.

Findings.

SEC. 5. Upon the entry of the findings of the final hearing upon the said petition by the said County Commissioners, if they find the said proposed consolidation to be conducive to the public health, welfare and convenience and to be of special benefit to the land included within the pertinent water districts, they shall give notice of a special election to be held within the boundaries of all the water districts proposed to be consolidated for the purpose of voting upon one or more of the following propositions, to wit:

Special election.

Notice of election.

Propositions:

1. Whether or not the several water districts shall be consolidated into one water district giving the name of such district as may be decided by the Board of County Commissioners. The notice shall

Boundaries and name.

particularly describe the boundaries of the pertinent water districts and shall set forth the names thereof.

Plan of
water supply.

2. In the event that a comprehensive plan or scheme of water supply for the consolidated district has previously been approved and adopted by the Boards of Water Commissioners of all the water districts proposed to be consolidated, said plan or scheme shall be submitted for ratification or rejection.

Incurring
debts.

3. In the event that any comprehensive plan or scheme so previously approved and adopted, includes a proposition to incur a general indebtedness for the construction of any part or all thereof, such proposition shall be submitted for ratification or rejection.

Issuance
of bonds.

4. In the event that any comprehensive plan or scheme, so previously approved and adopted, includes a proposition that such water district issue revenue bonds for the construction and/or other costs of any part or all of said comprehensive plan, such proposition shall be submitted for ratification or rejection.

Separate
vote on each.

Provided, however. That each and every one of any of the four foregoing propositions included upon the ballots shall be submitted so as to enable the voters to vote for or against each of said propositions independently of any vote on the other propositions submitted.

Election laws
govern.

SEC. 6. Notice of such election shall be given and conduct of said election held in accordance with the general election laws: *Provided,* That only qualified electors at the date of election residing within the water districts proposed to be consolidated shall be permitted to vote at the said election, and in the event the original petitions for consolidation are signed in any of the pertinent water districts by property owners so provided for in this act, then no person shall be entitled to vote at such election in such pertinent water district unless at the time of

the filing of the original petitions he owned land of record in the pertinent water district and, in addition thereto, at the date of election shall be a qualified elector of the county in which such water district is located.

SEC. 7. It shall be the duty of the County Auditor upon request of the County Commissioners to certify to the officers of any such election, the names of all persons owning land in the pertinent water district at the date of filing of the original petition as shown by the records of his office, and at any such election, the election officers may require any such land owner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote. At any election held under the provisions of this act, an officer or agent of any corporation having its principal place of business in said county and owning land at the date of filing the original petitions in the pertinent water district, duly authorized thereto in writing, may cast a vote on behalf of such corporation. When so voting, he shall file with the election officers such a written instrument of his authority.

Auditor to certify names of owners.

Voting for corporation.

SEC. 8. If at such election a majority of the voters in each of the water districts proposed to be consolidated voting upon proposition No. 1 above shall vote in favor thereof, then the Board of County Commissioners shall so declare in its canvass of the returns of such election to be made within ten (10) days after the date of the election and such consolidated water district shall then be and become a municipal corporation of the State of Washington, and the name of such water district shall be "..... Water District" (inserting the name appearing on the ballot); and such district shall have all powers, rights and privileges possessed by other water districts of the State of Washington.

Procedure upon approval.

Majority adopts boundaries and name.

SEC. 9. If at such election a majority of the voters in each of the water districts proposed to be

Majority adopts plan.

Procedure
upon
approval.

consolidated, voting upon proposition No. 2 above, shall vote in favor of the adoption thereof, the comprehensive plan or scheme of water supply shall thereupon be ratified and adopted and the Board of County Commissioners shall so declare in its canvass of the returns.

Three-fifths
vote to
incur debt.

SEC. 10. If at such election three-fifths of the voters voting upon proposition No. 3 shall vote in favor of the adoption thereof, the incurring of general indebtedness as therein specified shall be authorized and the Board of County Commissioners shall so declare in its canvass of the returns; and the Water District Commissioners shall have power to proceed forthwith to carry out said comprehensive plan or scheme to the extent specified in the proposition to incur such general indebtedness.

Three-fifths
vote to
issue bonds.

SEC. 11. If at such election, three-fifths of the voters voting upon proposition No. 4 above shall vote in favor of the adoption thereof, the issuance of revenue bonds as therein specified shall be authorized and the Board of County Commissioners shall so declare in its canvass of the returns; and the Water District Commissioners shall have power to proceed forthwith and carry out said comprehensive plan or scheme to the extent specified.

Procedure
after
approval.

SEC. 12. Upon the formation of any consolidated water district, the Water Commissioners of the water districts consolidated shall convey to the consolidated water district all property, both real and personal, of said districts and same shall thereupon be deemed to have been dissolved as set forth in section 12, chapter 87, Laws of 1941 (section 8931-22 Remington's Revised Statutes): *Provided, however,* Unless a comprehensive plan or scheme has been adopted whereby any indebtedness, of any form, owed by any of the water districts consolidated, is assumed by the consolidated water dis-

Dissolution
of districts.

Proviso.

trict, then such outstanding indebtedness shall remain the obligation of the area of the original debtor district; and the Water Commissioners of the consolidated water district shall make such levies, assessments or charges for service upon the said area or the water users therein as shall pay off such indebtedness at maturity.

SEC. 13. The Water Commissioners of all water districts consolidated into any new consolidated water district shall become Water Commissioners thereof until their respective terms of office expire. When the terms of expiration reduce the total number of remaining Water Commissioners to less than three (3) then the Board of Commissioners of the consolidated water district shall be maintained at the number of three (3), in accordance with the provisions of section 6, chapter 114, Laws of 1929 (section 11584, Remington's Revised Statutes).

Commissioners serve until terms expire.

Passed the House March 4, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 268.

[S. H. B. 286.]

ADOPTION.

AN ACT relating to adoption; repealing section 1667, Code of 1881, as amended by section 1, chapter 155, Laws of 1905, as amended by section 1, chapter 158, Laws of 1927, as amended by section 1, chapter 163, Laws of 1939 (section 1696, Remington's Revised Statutes, Supplement), section 1669, Code of 1881, as amended by section 2, chapter 163, Laws of 1939 (section 1698, Remington's Revised Statutes, Supplement) and section 1670, Code of 1881 (section 1699, Remington's Revised Statutes).

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

Citation.

SECTION 1. This act may be known and cited as "The Washington State Adoption Act."

"Approved agency" defined.

SEC. 1-a. As used in this act, an "approved agency" shall mean a public or private child welfare agency approved in accordance with the provisions of chapter 172, Laws of 1933, as amended by chapter 176, Laws of 1935, to place children for adoption.

Who may petition.

SEC. 2. Any person not married, or any husband and wife jointly, or either spouse, when the object of adoption is the child of the other spouse, may petition the Superior Court of the county in which such petitioner is a resident, or of the county in which the person to be adopted resides, for leave to adopt, and to change the name, if desired, of any person.

Written consent required.

SEC. 3. Written consent to such adoption must be filed prior to a hearing on such petition, as follows:

(a) By the person to be adopted, if such person be fourteen (14) years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(b) If the person to be adopted be of legitimate birth or legitimized thereafter, and a minor, then by each of his living parents, except as hereinafter provided;

(c) If the person to be adopted be illegitimate and a minor, then by his mother, if living, except as hereinafter provided;

(d) If a legal guardian has been appointed for the person of said child, then by such guardian.

SEC. 4. No consent for the adoption of a minor shall be required as follows: When no consent required

(a) From a parent deprived of civil rights;

(b) From a parent who has been deprived of the custody of such child by a court of competent jurisdiction, after notice: *Provided, however,* That a decree in an action for divorce, separate maintenance or annulment, which grants to a parent any right of custody, control, or visitation of a minor child shall not constitute such deprivation of custody;

(c) From a parent adjudged and decreed to be incompetent;

(d) From a parent who, more than one (1) year prior to the filing of a petition hereunder, has been adjudged to be insane and who has not thereafter been found sane by competent authority authorized by law so to do;

(e) From a parent who has been found by a Court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child.

SEC. 5. If the Court, in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, shall find any of the conditions set forth in the preceding section hereof to be a fact as to such parent, then the Court may decree that con-

sent of such parent shall not be required prior to adoption.

Procedure of adoption.

SEC. 6. An adoption proceeding shall be instituted by filing a petition in the Superior Court of the proper county. Such petition shall contain allegations as to all requisite facts, including the new name, if any, to be given the child, the qualifications and race of the adopter, the race of the child, and shall be signed and verified under oath by the proposed adopter. If the petition be by one spouse to adopt a child of the other spouse, then it shall be approved under oath by such other spouse.

Contents of petition.

Consent with petition.

SEC. 7. Said petition shall be accompanied by such written consent as may be required and available, or by a certified copy of whatever records are alleged to show no necessity of consent. If no consent is available, and such petition alleges facts which if true would obviate the necessity of such consent as provided in section 4 hereof, then the court may proceed as provided in section 5 hereof.

Notice of hearing in cases of non-consent.

SEC. 8. The Court shall direct notice of any hearing hereunder to be given to any non-consenting parent or guardian, if any, or any person or association having the care, custody or control of said child. Such notice shall be given in the following manner: The Court shall direct the clerk to issue a notice directed to the parent or such person or association as may have the actual care, custody, or control of such child, returnable in not less than ten (10) days from the date of its issuance, which notice shall be served in the following manner:

Clerk to issue.

Service.

Notice by publication.

By personal service as provided for the service of summons: *Provided, however,* That if it appears from the affidavit of the petitioner that personal service may not be had, then by publication in the manner provided by law for publication of summons, for a period of two (2) weeks, said notice

by publication to be returnable fifteen days after the first publication thereof: *And provided further*,
 That if the Court is satisfied of the illegitimacy of the child to be adopted, and so finds, then no notice to the father of such child shall be required. Proof of service of notice shall be filed in said cause as required by law for making proof of the service of summons.

Proviso.

SEC. 9. Upon the filing of a petition for adoption, the Court shall appoint an approved agency, or, in the discretion of the Court, any other suitable and proper person as next friend of the child, to make a complete investigation and report relative to the proposed adoption. Such report shall be filed within ten (10) days, unless the time be extended by the Court. Such investigation and report shall include all available information concerning the physical and mental condition of the child, the parents of said child, the physical, mental, moral and financial condition of the adopter, together with the circumstances of his situation in general, and any and all other facts and circumstances bearing upon the propriety and advisability of the proposed adoption. In cases where such investigation and report is made by a person other than an approved agency, the Court shall require the adopter to pay the necessary expense thereof, including a reasonable fee to the next friend and/or his attorney.

Court to direct investigation.

Report.

Contents of report.

Adopter to pay expense.

SEC. 10. If such report shall be adverse to granting adoption, then, if requested by the adopter, a hearing shall be had upon the petition for adoption, either in chambers or in open court as the adopter may in writing elect, the same to be conducted according to the general rules applicable to court hearings, at a time to be fixed by the Court.

Hearing on adverse report.

SEC. 11. Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if

Court to enter decree.

any, or as soon as the procedure hereunder may permit, the Court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree be for adoption, it shall provide:

Contents of
decree of
adoption.

(a) For the issuance of a birth certificate by the state department of registration of births, in such form and containing such information as the Court may deem proper and by such decree shall direct;

(b) Whether or not any of the records of the said department of registration of births shall be secret; and if any be directed to be secret, then the same shall be disclosed only upon order of Court for good cause shown;

(c) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty (30) days after entry thereof.

Procedure
on petition
to vacate or
modify
decree.

At any time prior to the expiration of six months from entry of such decree, any interested person may file in the adoption proceedings his verified petition alleging grounds, if any he has, for the vacation or modification of such decree. Upon the filing of such petition, the Court shall, upon application, fix a time for hearing thereon. At least ten days' notice of such hearing shall be served upon all of the parties to the adoption proceeding and to the persons served as provided in section 8 hereof, and also upon the person making the report of investigation pursuant to section 9. Upon such hearing, if the petition be granted, the Court shall enter an order vacating such decree of

Notice of
hearing.

adoption, and may also make such further order for the welfare of the child as in its discretion seems proper. An appeal from any order vacating or refusing to vacate such decree may be taken, as in other cases.

If no appeal be taken from the decree of adoption, and if no petition to vacate or modify the same be filed within such six month period, then said decree shall not be subject to attack either directly or collaterally, except that within two (2) years after entry thereof, any person not notified of the hearing on the petition for adoption as herein provided and claiming parental rights in said child, may institute proceedings to set aside the decree of adoption.

Decree final
in six
months.

Exception.

SEC. 12. By a decree of adoption the natural parents shall be divested of all legal rights and obligations in respect to such child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them, and shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of his or her adopter or adopters, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a child of the adopter or adopters begotten in lawful wedlock. An adopter or adopters and the spouse of an adopted child, and their respective kin, shall have the rights of inheritance from such child prescribed by the statutes of descent and distribution for natural parents, spouse and their respective kin to the exclusion of the adopted child's natural parents and kin and any prior adopter or adopters and their kin: *Provided*, That where an adopter is the spouse of a natural parent of an adopted child, such natural and adopted parent and kin shall inherit the same as natural parents and their kin.

Rights of
adopted
child.

Rights of
adopters.

Proviso.

Records
closed.

SEC. 13. Unless otherwise requested by the adopter, all records of any proceeding hereunder shall be sealed and shall not be thereafter open to inspection by any person except upon order of the Court for good cause shown, and thereafter shall be again sealed as before.

SEC. 14. If the petition be for the adoption of a person of legal age and competency and is accompanied by the written consent of such person, then neither investigation nor notice to any person shall be required.

SEC. 15. If a decree of adoption be entered, as soon as the time for appeal therefrom shall have expired, or if an appeal be taken, then upon final determination thereof, if the same be affirmed, the Clerk of the Court shall transmit to the proper department of registration of births a certified copy of such decree.

Repeals.

SEC. 16. Section 1667, Code of 1881, as amended by section 1, chapter 155, Laws of 1905, as amended by section 1, chapter 158, Laws of 1927, as amended by section 1, chapter 163, Laws of 1939 (section 1696, Remington's Revised Statutes, Supplement), section 1669, Code of 1881, as amended by section 2, chapter 163, Laws of 1939 (section 1698, Remington's Revised Statutes, Supplement) and section 1670, Code of 1881 (section 1699, Remington's Revised Statutes), are repealed.

Saving
clause.

SEC. 17. If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Passed the House March 6, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 269.

[S. H. B. 297.]

POWERS AND DUTIES OF COUNTY OFFICERS.

AN ACT prescribing the powers and duties of counties and county officers; authorizing counties to enact ordinances providing for the levying, fixing, and collection of certain taxes, imposing fines and penalties, declaring certain acts to constitute a misdemeanor, and prescribing the duties, powers and liabilities of county officers and others; and declaring when said act shall take effect.

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

SECTION 1. Any county is hereby authorized and empowered, by ordinance enacted by its Board of County Commissioners as hereinafter provided, to levy and fix the amount of a tax to be paid for county purposes by the person who pays an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; to require that one who receives any admission charge to any place shall collect and remit the tax to the County Treasurer of such county; and to make the tax effective any time after April 30, 1943. As used in this act, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. The

Counties may fix tax by ordinance.

Admissions taxable.

Effective date.
"Admission tax" defined.

"Admission charge" defined.

term "admission charge" as used herein shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile. The tax herein authorized shall not be exclusive and shall not prevent any city or town within said taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: *Provided*, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the incorporated limits of such city or town by the said Board of County Commissioners.

Tax not exclusive.

No double taxation.

Form of ordinance.

Heading.

Majority to approve.

Effective in 30 days.

Publication.

Subject to amendment.

Contents of ordinance.

SEC. 2. The ordinance levying and fixing the tax provided for in section 1 shall be headed by a title expressing the subject thereof, and the style of such ordinance shall be: "Be it ordained by the Board of County Commissioners of County, State of Washington." Said ordinance shall be enacted by a majority vote of the said Board at a regular meeting thereof, and only after the form of such ordinance as ultimately enacted shall have been on file with the Clerk of said Board and open to public inspection for not less than ten days. Said ordinance shall not become effective until thirty (30) days following its enactment, and within five (5) days following its enactment the same shall be printed and published in a newspaper of general circulation in said county. Said ordinance shall be signed by a majority of the County Commissioners, attested by the Clerk of said Board, and shall be duly entered and recorded in the book wherein orders of said Board are entered and recorded. Said ordinance may be at any time amended or repealed by an ordinance enacted, published, and recorded in the same manner.

SEC. 3. In addition to the provisions levying and fixing the amount of such tax, the ordinance authorized by section 1 hereof may contain any or all of the following provisions:

(a) A provision defining the words and terms used therein;

(b) A provision requiring the price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold to be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place for which an admission charge is exacted, and making the violation of such provision a misdemeanor punishable by fine of not exceeding one hundred dollars (\$100);

(c) Provisions fixing reasonable exemptions from such tax;

(d) Provisions allowing as an offset against said tax, the amount of like taxes levied, fixed and collected within their jurisdiction by incorporated cities and towns in said county;

(e) A provision requiring persons receiving payments for admissions taxed under said ordinance to collect the amount of such tax from the persons making such payments;

(f) A provision to the effect that the tax imposed by said ordinance shall be deemed to be held in trust by the person required to collect the same until paid to the County Treasurer, and making it a misdemeanor for any person receiving payment of such tax and appropriating or converting the same to his own use or to any use other than the payment of the tax as provided in said ordinance to the extent that the amount of such tax is not available for payment on the due date for filing returns as provided in said ordinance;

(g) A provision that in case any person required by said ordinance to collect the tax imposed thereby fails to collect the same, or having collected the tax fails to pay the same to the County Treasurer in the manner prescribed by said ordinance, whether such failure be the result of such person's own acts

Contents of ordinance.

or the result of the acts or conditions beyond such person's control, such person shall nevertheless be personally liable to the county for the amount of such tax;

(h) Provisions fixing the time when the taxes imposed by said ordinance shall be due and payable to the County Treasurer; requiring persons receiving payments for admissions to make periodic returns to the County Treasurer on such forms and setting forth such information as the County Treasurer may specify; requiring said return to show the amount of tax upon admission for which such person is liable for specified preceding periods, and requiring such person to sign and transmit the same to the County Treasurer together with a remittance for said amount;

(i) A provision requiring taxpayers to file with the County Treasurer verified annual returns setting forth such additional information as he may deem necessary to determine tax liability correctly;

(j) A provision to the effect that whenever a certificate of registration (if required by said ordinance) is obtained for operating or conducting temporary places of amusement by persons who are not the owners, lessees or custodians of the building, lots or place where the amusement is to be conducted, or whenever the business is permitted to be conducted, or whenever the business is permitted to be conducted without the procurement of a certificate, the tax imposed by said ordinance shall be returned and paid as provided in said ordinance by said owner, lessee or custodian, unless paid by the person conducting the place of amusement;

(k) A provision requiring the applicant for a temporary certificate of registration (if required by said ordinance) to furnish with the application therefor, the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and requiring the County Treasurer to notify such owner, lessee or custodian of the

issuance of any such temporary certificate, and of the joint liability for such tax; Contents of ordinance.

(1) A provision empowering the County Treasurer to declare the tax upon temporary or itinerant places of amusement to be immediately due and payable and collect the same, when in his discretion he believes there is a possibility that the tax imposed under said ordinance will not be otherwise paid;

(m) Any or all of the applicable general administrative provisions contained in title XVIII, chapter 180, Laws of 1935, and the amendments thereto, except that unless otherwise indicated by the context of said title, in all provisions so incorporated in such ordinance (1) the term "County Treasurer" (of the county enacting said ordinance) shall be substituted for each reference made in said title to the "Commission," the "Tax Commission," "any member of the Commission," or "Secretary of the Tax Commission"; (2) the name of the county enacting such ordinance shall be substituted for each reference made in said title to the "state" or to the "State of Washington"; (3) the term "this ordinance" shall be substituted for each reference made in said title to "this act"; (4) the name of the county enacting said ordinance shall be substituted for each reference made in said title to "Thurston County"; and (5) the term "Board of County Commissioners" shall be substituted for each reference made in said title to the "budget division of the Department of Finance, Budget and Business of the State of Washington."

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

Passed the House March 5, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 270.

[H. B. 310.]

COLLECTION AND DISPOSAL OF GARBAGE.

AN ACT relating to cities and towns; authorizing and empowering them to establish and maintain systems of garbage collection and disposal; and prescribing penalties.

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

Cities may provide for garbage collection and disposal.

Require use.

Contract for service.

Fix charges for use.

Unpaid charges lien.

Notice of lien.

Filing.

SECTION 1. Any city or town, through its legislative authority, shall have power by ordinance to provide for the establishment, maintenance and operation of a system of garbage collection and disposal for the entire city or town or for districts or portions thereof; to require all persons within the town or district to use the system and to dispose of their garbage as provided in the ordinance; to award contracts for such collection and disposal or to provide for the collection and disposal of garbage by and under the direction of officials and employees from the city or town; to pay for any such garbage collection and disposal from any available funds; to require property owners or occupants of premises to use the garbage collection and disposal system provided by the city or town and to fix charges against the property owners or occupants of premises for such garbage collection and disposal and to provide that the charges therefor shall be paid by the property owner or occupants of the premises and to provide that upon failure to pay such charges the amount thereof shall become a lien against the property for which the garbage collection service is rendered; and to provide penalties for violations of such ordinance. The lien provided for herein shall be made effective by the filing of a notice thereof specifying the charges, the period covered by the charges and giving a legal description of the premises. The lien shall be filed with the same official and within the

time, and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens for labor and material. The lien shall be prior to any and all other liens and encumbrances filed subsequent to the filing of such lien but shall be subject to all general taxes and local improvement assessments whether levied prior or subsequent thereto.

Foreclosure of lien.

Priority.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 271.

[H. B. 312.]

COUNCIL-MANAGER PLAN FOR MUNICIPAL CORPORATIONS.

AN ACT relating to the organization, classification, incorporation and government of municipal corporations under the council-manager plan.

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

SECTION 1. Any city or town having a population of less than twenty thousand (20,000) may be organized as a council-manager city under the provisions of this act by proceeding as hereinafter provided.

Cities under 20,000 may adopt.

SEC. 2. Upon petition of electors equal in number to twenty per cent (20%) of the vote cast for all candidates for Mayor at the last preceding general city election of any such city, or upon resolution of the City Council, the Mayor shall, by proclamation, issued within ten (10) days after the filing of such petitions or resolution with the City Clerk of such city, submit the question of adopting the council-manager plan of city government as herein provided at a special election to be held at a time specified in such proclamation, which shall not be less than

Plan of adoption.

Submit at special election.

ninety (90) nor more than one hundred and twenty (120) days before the next regular municipal election.

Form of question.

SEC. 3. At such election the proposition to be submitted to the electors shall be: "Shall the city of adopt the council-manager plan of municipal government?" and there shall be printed on the official ballots of said election the above proposition, followed by the words:

"For organization as a council-manager city"

"Against organization as a council-manager city"

An election thereupon shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other city elections.

Election of council.

SEC. 4. If the majority of the votes cast at such election shall be in favor of the plan, such city shall at the next regular municipal election, proceed to the election of a City Council of five (5) or more citizens according to the population of the city, as hereinafter provided. Said Councilmen shall be nominated and elected in the first instance, one (1) from each Councilmanic ward or such other existing districts of said city as may have been established for the election of the members of the City Council or other governing body. After the first election said Councilmen shall be elected either at large or from such districts as shall be established by ordinance.

Petition by legal voters.

SEC. 5. Petitions shall be signed by none but legal voters of the city and shall contain, in addition to the signatures and residence addresses of the petitioners, an affidavit of one or more legal voters of the city stating the number of signers at the time the affidavit was made. Petitions containing the required number of signatures shall be accepted by the City Clerk as *prima facie* valid until their invalidity has been proved.

SEC. 6. The number of Councilmen shall be in proportion to the population of the municipality, as determined by the last preceding federal census, as follows: A municipality having not more than two thousand (2,000) inhabitants, five (5); two thousand (2,000) and not more than twenty thousand (20,000), seven (7). All Councilmen shall serve for a term of four (4) years and until their successors are elected and have qualified, except that the first general election in municipalities having five (5) Councilmen the candidates having the three (3) highest number of votes shall serve for four (4) years, the other two (2) Councilmen shall serve for two (2) years, and in municipalities having more than five (5) Councilmen, the majority of Councilmen having the highest number of votes shall serve for a period of four (4) years and the others for a period of two (2) years. Vacancies in the Council shall be filled by the Council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided by law for such cases.

Size of council.

Terms.

Vacancies filled by appointment.

SEC. 7. The Council shall meet at such times and places as shall be fixed by ordinance, but shall hold at least one regular meeting during each month. The Clerk shall call special meetings of the Council upon written request of the Mayor or any two members. Such requests shall state the subjects to be considered at such special meeting and no other subject shall there be considered. All meetings of the Council and of committees thereof shall be open to the public, and the rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the Council or a committee thereof may by a three-fifths ($\frac{3}{5}$ ths) vote of all the members authorize an executive meeting.

Council meetings.

Special meetings.

Open to public.

SEC. 8. The Councilmen shall be the only elective officials of cities organized under this act. They shall

No other elective officials.

Organization of council.	take office at the time provided by general law. The other city officials and employees who are incumbent at the time the council-manager plan takes effect shall hold office until their successors have been selected in accordance with the provisions of this act.
Chairman is Mayor.	Biennially, at its first meeting, each new Council shall choose a chairman from among its members, who shall have the title of Mayor. In addition to the powers conferred on the Mayor by this act, he shall also have the rights, privileges and immunities of a member of the Council. The Mayor shall preside at meetings of the Council and shall also have the powers and perform the duties conferred and imposed by this act and the ordinances of the city. He shall be recognized as the head of the city for all ceremonial purposes and by the Governor for purposes of military law. He shall have no regular administrative duties but in time of public danger or emergency shall, if so authorized and directed by vote of the council, take command of the police, maintain order and enforce the law. If a vacancy occurs in the office of Mayor, or in case of his absence or disability, a Mayor pro tem shall be selected by the Council from its members to act as Mayor for the unexpired term or during the continuance of the absence or disability.
Presides at meetings.	
May be voted emergency powers.	
Council holds all powers.	SEC. 9. Except as otherwise provided in this act, all powers of the city shall be vested in the City Council. Each member of the Council shall receive such compensation, if any, as shall be provided by the general laws relating to municipal corporations.
Qualifications.	Members of the City Council shall be qualified electors of the city and any member ceasing to possess any of the qualifications specified in this section or convicted of crime involving moral turpitude while in office, shall immediately forfeit his office.
Powers of council.	SEC. 10. The Council shall have power to pass ordinances, adopt regulations, appoint a chief admin-

istrative officer to be known as the City Manager, fix all salaries, except as otherwise provided in this chapter, and create departments and boards as hereinafter provided. The enumeration of particular powers by this chapter shall not be held or deemed to be exclusive but in addition thereto, it is intended that any city organized under the provisions of this act shall have all the powers which cities of its class now have, or hereafter may have conferred upon them; all which powers shall inhere in and be exercised by the Council provided for in this act unless the exercise of such powers shall have been expressly conferred upon some authority of the municipality or reserved to the people thereof.

Powers and duties of council.

SEC. 11. Every ordinance or resolution passed by the Council shall be signed by the Mayor or two (2) members, filed with the Clerk within two (2) days and by him recorded.

SEC. 12. The Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one (1) year has elapsed following the expiration of the term for which he was elected. Before entering upon the duties of his office such City Manager shall take the official oath for the support of the government and the faithful performance of his duties, and shall execute a bond in favor of the municipality in such sum as may be fixed by the council.

Council to appoint city manager.

Qualifications.

Councilman not eligible.

Oath.

Bond.

SEC. 13. Whether the City Manager shall devote

May divide time.

Manager
may serve
2 or more
cities.

his full time to the affairs of one city shall be determined by the City Council, and nothing in this act shall prevent one manager from serving two or more municipalities at the same time.

Term
indefinite.

SEC. 14. The City Manager shall be appointed for an indefinite term but he may be removed by a three-fifths ($\frac{3}{5}$ ths) vote in cities having a Council of five (5) members or he may be removed by a five-sevenths ($\frac{5}{7}$ ths) vote in cities having a council of seven (7) members. At least thirty (30) days before such removal may become effective the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the Council, stating the Council's intention to remove him and the reasons therefor. The

How
removed.

manager may reply in writing to such resolution. After such reply in writing by the Manager is filed with the City Clerk the Council shall fix a time for a public hearing upon the question of his removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Council in removing the Manager shall be final. In case of the absence or disability of the Manager the Council may designate a qualified administrative officer of the city to perform the duties of the Manager during such absence or disability.

Formal
notice.

Reply.

Hearing.

Absence or
disability.

Duties of
City
Manager.

SEC. 15. The duties of the City Manager shall be:

1. To have general supervision over the administrative affairs of the municipality.
2. To see that the laws and ordinances are faithfully executed.
3. To attend all meetings of the Council at which his attendance may be required by that body.

4. To recommend for adoption to the Council such measures as he may deem necessary or expedient.

Duties of
City
Manager.

5. To appoint all officers and employees of the municipality except the members of the City Council: *Provided*, That the Council may cause to have an audit made of any department or office of the city government and may select the persons to make such audit without the advice or consent of the City Manager.

6. To prepare and submit to the Council such reports as may be required by that body, or as he may deem it advisable to submit.

7. To keep the Council fully advised of the financial condition of the municipality and its future needs.

8. To prepare and submit to the Council a tentative budget for the next fiscal year.

9. To perform such other duties as the Council may determine by ordinance or resolution.

SEC. 16. The council may, on the recommendation of the City Manager, create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office.

SEC. 17. The city manager shall be responsible to the Council for the proper administration of all affairs of the city and to that end he shall have power to appoint and remove all department heads, officers and employees in the service of the city except members of the City Council; but the Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term. Residence

Responsible
to council.

Manager to
appoint and
remove.

Residence
not required.

within the city shall not be required of any city official or employee, except the members of the City Council.

Appointees
removable
at any time.

SEC. 18. Any officer or employee who may be appointed by the City Manager, or by the head of a department or office, may be removed by the Manager or other such appointing officer at any time. Subject to the provisions of section 15, the decision of the Manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

Council has
no voice in
appointments.

SEC. 19. Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers, and employees in the administrative service of the city except as provided herein. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Deal through
manager.

Penalty.

Council to
fix pay.

SEC. 20. The City Manager and other officers or assistants shall receive such salary or compensation as the Council shall fix by ordinance and shall be payable at such times as the Council shall determine.

Subject to
general laws.

SEC. 21. Any city organized under this act shall be subject to all laws governing cities of its particular class where such laws are not inconsistent with the provisions of this act.

May abandon
after six
years.

SEC. 22. Any city which shall have operated for more than six (6) years, under the provisions of this chapter, may abandon such organization hereunder,

and accept the provisions of the general laws of the state then applicable to cities of its population. Upon petition of not less than twenty per cent (20%) of the electors of such city, a special election shall be called at which the following proposition only shall be submitted: "Shall the city of abandon its organization under the council-manager plan and become a city under the general law governing cities of its population?"

Procedure
for abandon-
ment.

Petition and
election.

Question.

SEC. 23. If a majority of the votes cast at such special election be in favor of the proposition set forth in section 22, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like classification, at the time of adopting the provisions of this section; and upon qualification of such officers, such city shall again become organized under such general law of the state; but such change shall not in any manner or degree affect the property, rights or liabilities of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by this act in so far as the provisions thereof are applicable.

Abandoned
by majority
vote.

Organize
under
general laws.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 272.

[H. B. 321.]

CONVEYANCE OF CERTAIN PUBLIC LANDS.

AN ACT authorizing the conveyance of certain lands in Snohomish County to the Port of Everett; authorizing the Commissioner of Public Lands and the Board of State Land Commissioners to re-survey and re-locate the harbor lines in front of the City of Everett.

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

Commis-
sioner of
Public Lands
to certify.

Deed.

Description.

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized and directed to certify in the manner now provided by law in other cases to the Governor for deed to the Port of Everett all of the following described tide lands, to-wit: Commencing at the intersection of monument line of Grand Avenue and 21st street, as established and of record in the City Engineer's office of the City of Everett, Snohomish County, Washington; thence north $0^{\circ}08'$ east on the monument line of Grand Avenue for 175.97 feet; thence angle to the left $90^{\circ}08'$ on a course of west for 3065.73 feet to a point known as point 85 on the east Government Pierhead line; thence from said point number 85 run south $45^{\circ}00'$ east for 117.40 feet; thence south $89^{\circ}52'$ east for 20.93 feet to the true point of beginning; thence south $19^{\circ}02'30''$ west for 1414.26 feet; thence south $37^{\circ}18'$ west for 1034.88 feet; thence south $64^{\circ}55'30''$ east for 812.67 feet; thence north $35^{\circ}45'30''$ east for 147.76 feet; thence north $65^{\circ}16'$ west for 664.12 feet; thence north $37^{\circ}32'30''$ east for 863.73 feet; thence south $67^{\circ}55'$ east for 574.66 feet; thence north $0^{\circ}10'$ east for 627.25 feet; thence north $26^{\circ}59'30''$ east for 165.48 feet to a point on the west pierhead line of the east waterway; thence due north on said pierhead line and the same produced north a distance of 637.08 feet; thence along the arc of a 12° curve to the right having a radius of 478.34 feet and consuming an

angle of $45^{\circ}36'11''$ for an arc distance of 380.72 feet to an intersection with the former East Government Pierhead line; thence north $89^{\circ}52'$ west for 316.97 feet; thence north $0^{\circ}08'$ east for 80.0 feet; thence north $89^{\circ}52'$ west for 292.68 feet to the true point of beginning.

Except therefrom all that portion thereof conveyed by the State of Washington to Everett Land Company, a corporation, by deed dated February 4, 1893, recorded February 27, 1893, in volume 30 of deeds, page 162, records of Snohomish County, Washington, and shown in the state record of tide land deeds in volume 1, page 30.

Exception.

SEC. 2. The Governor is hereby authorized and directed to execute and the Secretary of State to attest a deed conveying to the Port of Everett, all of said tide lands.

Governor to execute deed.

SEC. 3. In order that said deed may not be in conflict with the provisions of section 1 of Article XV of the State Constitution, the Commissioner of Public Lands is hereby authorized and directed to make, and the Board of State Land Commissioners, acting as the State Harbor Line Commission, is hereby authorized, to approve a re-survey and re-location of the harbor lines in front of the City of Everett, and for one (1) mile on either side of the corporate limits of said city, to the extent and in such manner as may be found proper under the circumstances, and the Commissioner of Public Lands is hereby authorized and directed to plat any state-owned first class tide lands which may be found proper in connection with this survey. Said deed shall not become effective until the official map of said re-located harbor lines has been completed, approved and filed according to law.

Re-survey and re-location of harbor lines.

SEC. 4. The description contained in section 1 of this act is approximate only, and the Commissioner of Public Lands is hereby authorized and directed to

Commissioner to describe accurately.

prepare a deed for such lands, which deed shall contain an accurate description of the lands to be conveyed.

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 273.

[H. B. 326.]

SALE OF CERTAIN PUBLIC LANDS.

AN ACT authorizing the sale at public auction by the State of Washington of a certain tract of ground in Spokane County no longer suitable for state purposes.

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

Commissioner of Public Lands to sell at auction.

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized and directed, in the name of the State of Washington, to sell at public auction in accordance with existing laws governing the sale of state land, the following described property in Spokane County, Washington:

Description.

Part of Lot One in Block 15 of Twickenham West, Spokane County, Washington, described as follows: Beginning at a point on the easterly line of said Lot One 84.5 feet southerly from the northerly corner of said Lot One; thence westerly to a point on the west line of said Lot 86.6 feet south from the northerly corner of said Lot One; thence south to the southerly corner of said Lot, thence easterly to the east corner of said Lot One; thence northerly to the point of beginning, including vacated Fremont Street west of and adjoining said property, which above described property was conveyed by the said Spokane County to the State of Washington by deed dated February 5, 1938, recorded in Book 474 of Deeds, page 594 in

the office of the Auditor of Spokane County, Washington.

Passed the House March 5, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 274.

[H. B. 328.]

PROTECTION OF WOMEN IN MILITARY AND NAVAL SERVICE.

AN ACT relating to the protection of persons in military and naval service; amending section 1, chapter 201, Laws of 1941 (section 10758-3, Rem. Supp. 1941); and declaring an emergency.

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

.SECTION 1. Section 1, chapter 201, Laws of 1941 (section 10758-3, Rem. Supp. 1941), is amended to read as follows:

Amendments.

Section 1. Any man or woman who is a resident of this state, and who, as a volunteer, or otherwise, has or shall hereafter become a member of the United States army, navy, marine corps, public health service or coast guard, or any component part or auxiliary unit thereof, or shall become a member of any other branch or auxiliary of the armed forces of the United States heretofore or hereafter created and who has been or shall be called to active service therein, and who, in order to perform such service has left or leaves a position, other than a temporary position, in the employ of any employer, and who (1) is honorably discharged or receives a certificate of satisfactory completion of active duty pursuant to section 3 (a) of the National Guard and Reserve Officers Mobilization Act, or section 8 (a) of the Selective Training and Service Act of 1940, or furnishes other

Resident in service to be restored to former employment.

Qualification.

satisfactory proof of having satisfactorily completed such term of service; (2) is still qualified to perform the duties of such position; and (3) makes application for re-employment within forty (40) days after he is relieved from such active duty or service—(a) if such person was in the employ of a private employer, such employer shall restore said person to such position or to a position of like seniority status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so, or (b) if such person was in the employ of this state or any municipality or political subdivision thereof, such person shall be restored to such position or to a position of like seniority status and pay: *Provided, however,* That restoration shall not take place if such service exceeds the period of the tenure of office of the elective or appointive official from whom the employment flows, and provided further that the circumstances surrounding the governmental office in question have not so changed as to make restoration impossible, unreasonable or against the public interest.

Privately
employed.

Public em-
ployment.

Except when
service ex-
ceeds period
of tenure.

Effective
immediately.

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

Passed the House March 2, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 275.

[H. B. 319.]

IRRIGATION AND RECLAMATION DISTRICTS.

AN Act relating to irrigation and reclamation districts contracting or intending to contract with the United States with respect to the Columbia Basin Project and other Federal Reclamation projects, or divisions thereof hereafter undertaken, in the state and to the lands which are or may be included therein; declaring the policy of the state in relation thereto; authorizing such districts to cooperate and contract with the United States pursuant to the Federal reclamation laws; authorizing the United States to segregate lands within such districts into farm units and file for record plats thereof; authorizing and empowering such districts to enter into contracts with the United States containing certain provisions with respect to the lands within their boundaries and to the delivery of water thereto; providing that lands within such districts shall be governed by the provisions and limitations included in such contracts, notwithstanding other provisions of law; providing that the provisions of certain contracts may be made covenants running with the land; providing criminal penalties and civil remedies for certain offenses and acts in connection with such contracts or transactions with respect to lands covered thereby; providing that certain conveyances, mortgages or liens with respect to lands covered by such contract shall be invalid and unenforceable; authorizing the filing for record of certain documents and the imparting of legal notice thereby; directing and authorizing the inclusion of state lands in such districts; authorizing the Board of County Commissioners to contract with United States with regard to county owned lands within such districts; accepting certain acts of Congress in relation to such districts; repealing chapter 14, Laws of 1939, (sections 7525-5 to 7525-12, consecutively and both inclusive, Remington's Revised Statutes Supp.), and all other acts or parts of same inconsistent or in conflict with this act or any part thereof, saving certain rights and authority under former law; providing that each section and provision of the act is separable from every other and no part thereof to be held invalid on account of the unconstitutionality of any other part; and declaring that this act shall take effect immediately.

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

SECTION 1. It is hereby declared to be the policy of the State of Washington in connection with lands

Declaration
of policy.

within the scope of this act that may be irrigated through works of Federal reclamation projects to assist the United States in the reduction or prevention of speculation in such lands and in limiting the size of the holdings of such lands entitled to receive water from, through, or by means of the works of such projects, and otherwise to cooperate with the United States with respect to such projects. In furtherance of this policy this statute is enacted.

Application
of act.

SEC. 2. The provisions of this act shall be applicable to any irrigation or reclamation district organized under the laws of this state contracting or intending to contract with the United States under the Federal reclamation laws with respect to a water supply for irrigation from the Columbia Basin Project or from any project or division of a project hereafter undertaken in this state by the United States under those laws, and shall govern as to any lands which are now or may hereafter be included in any such district and as to the relationship between any such district and any such lands. The prospect of the construction of the irrigation features of the Columbia Basin Project and of other works under the Federal reclamation laws for the irrigation of lands in this state requires the granting of authority to irrigation and reclamation districts and to state and county officers to assist the United States, in accordance with the policy of this enactment, in meeting the problems of land speculation and in limiting the size of holdings of lands that may be benefited by such works, and otherwise to cooperate with the United States in connection with the irrigation of lands in this state. The provisions of this act, however, are supplemental to other provisions of the law of the state, not inconsistent herewith, which pertain to such districts.

Supple-
mental to
other acts.

SEC. 3. As used in this act,

Definitions.

The term "Secretary" shall mean the Secretary of the Interior of the United States, or his duly authorized representative.

The term "appraised value" shall mean the value of lands within the scope of this act appraised or reappraised by the Secretary without reference to or increment on account of the irrigation works built or to be built by the United States.

The term "district" shall mean an irrigation or reclamation district governed by this act as provided in section 2.

The term "Federal reclamation laws" shall mean the Act of Congress of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplemental thereto including the Act of Congress entitled "An Act to amend the Act approved May 27, 1937 (Ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project, and substitute an additional authority related to the settlement and development of the project, and for other purposes, enacted and approved in the Seventy-Eighth Session."

The term "lands" shall mean, unless otherwise indicated, lands within the boundaries of a district contracting or intending to contract with the United States under the terms of this act.

The term "owner," "landowner," and "any one landowner" shall mean any person, corporation, joint stock association or family owning lands that are within the scope of this act.

The term "family" shall mean a group consisting of either or both husband and wife, together with their children under eighteen years of age, or all of such children if both parents are dead, the term "their children" including the issue and lawfully adopted children of either or both husband

Definitions.

and wife. Within the meaning of this act, lands shall be deemed to be held by a family if held as separate property of husband or wife, or if held as a part or all of their community property, or if they are the property of any or all of their children under eighteen years of age.

Secretary may segregate lands.

SEC. 4. In connection with any district contracting or intending to contract with the United States under this act, authority is hereby granted to the Secretary for the purpose of administering the Federal reclamation laws and to the end of carrying out the policy enunciated in this act, to segregate such lands, or any part thereof, into farm units of sufficient acreage for the support of an average-sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system and such other relevant factors as enter into the determination of the area and boundaries thereof. No farm unit shall contain more than one hundred and sixty or less than ten acres of irrigable land, except that any nominal quarter section comprising more than one hundred and sixty acres of irrigable land may be included in one farm unit, and except that lands owned by the United States may be established into units of lesser size for part-time farming purposes. Plats showing the established farm units or revisions thereof when approved may be filed by the United States for record with the County Auditors of the county in which the land is located. Lands in excess of one farm unit held by any one landowner shall, except as otherwise provided in this act, be deemed excess land.

Size of farm unit.

District may contract with U. S.

SEC. 5. Any district may enter into repayment and other contracts with the United States under the terms of the Federal reclamation laws in matters relating to Federal reclamation projects, and may, with respect to lands within its boundaries,

include in any such repayment contract, among others, provisions of substantially the following character in whole or in part:

Contract provisions.

(a) An agreement that: The district will not deliver water from, through, or by means of the works provided by the United States (hereinafter called project works) to or for lands not conforming in area and boundaries to the farm units as established under the provisions of section 4 of this act, nor to be for more than one farm unit held by any one landowner, except that as to lands held by the one having equitable or legal title on May 27, 1937, (or the date on which the project or division becomes authorized in the case of projects other than the Columbia Basin Project) or the heir or devisee of such owner, delivery may be made to or for a total irrigable area not exceeding one hundred and sixty acres or a nominal quarter section if the latter comprises more than one hundred and sixty acres. These limitations shall not apply, however, to lands owned by the United States or any agency or instrumentality thereof, corporate or otherwise; and in case of excess land acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water, thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor.

Water deliveries limited.

Exceptions.

(b) An agreement that: As a condition to receiving water from, through, or by means of the project works, each landowner in the district shall be required to execute, within six months from the date of the execution of the repayment contract between the United States and the district within which the land is located, a recordable contract covering all his lands within that district, agreeing as

Owner to execute repayment contract.

Time limit.

to such lands for and on behalf of himself, his heirs, successors, and assigns to any or all of the provisions set forth below in this subsection: *Provided*, That any landowner, having failed to execute such a contract within this period, may be permitted to execute such contract within one year after the date of judicial confirmation of the validity of the repayment contract between the United States and the district but only in accordance with such rules and regulations as may be prescribed by the Secretary concerning this privilege.

Proviso.

Contract provisions.

Landowner to conform areas and boundaries.

Secretary may sell excess at appraised value.

U. S. to have option to buy.

U. S. sales for cash.

Sales limited to appraisal value.

Each such recordable contract may provide any or all of the following: (i) That the landowner will conform his lands by purchase, sale or exchange at the appraised value to the area and boundaries of the pertinent farm unit or units established as provided in section 4 of this act and will dispose of excess land then or thereafter owned by him at its appraised value; that the Secretary is thereby given an irrevocable power of attorney to sell in behalf of the landowner any such excess land at said appraised value; and that the United States is thereby given, without further consideration, an option to buy any such excess land at said appraised value: *Provided*, That sales under such power or such option, unless otherwise provided in writing by said owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time.

(ii) That in the period from the date of execution thereof and to a date five years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or non-excess lands, shall be made for a consideration exceeding its appraised value, and in connection with

any conveyance of, or contract to convey, such an estate within such period the grantor or vendor or the grantee or vendees or any lien holder thereof shall, within thirty days from the date of such conveyance or contract, file in the office of the County Auditor in the county or counties in which the land is located an affidavit describing the conveyance or contract and the consideration therefor.

Affidavit to show consideration.

(iii) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within said thirty days the affidavit required in (ii) of this subsection, or is made for a consideration in excess of the appraised value, the Secretary, at any time within two years of the day on which there is filed for recording in the official county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of such estate to receive water from, through, or by means of the project works by a written notice of cancellation: *Provided*, That said power to cancel as to any given parcel of land may be waived by the Secretary at any time within said two-year period by a written notice of waiver: *And provided further*, That after any such cancellation a water right for the estate involved from, through, or by means of the project works may be acquired only on terms and conditions satisfactory to the Secretary.

Secretary may cancel water right for failure.

Power may be waived.

Secretary to make terms.

(iv) That should any freeheld estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (ii) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection 7 (b) of this act.

Freehold estate mortgage and liens subject to act

(c) An agreement that: All lands within the district not covered by recordable contracts pro-

Ineligible
lands sub-
ject to
assessment.

vided for under subsection 5 (b) or otherwise not eligible to receive water from, through, or by means of the project works shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the Secretary may prescribe for postponement in payment of all or part of such assessment but not beyond the expiration of the period during which the price limit under subsection 5 (b) applies.

Procedure
for with-
drawal of
lands.

(d) An agreement that: Without compliance with other provisions of state law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before such date fixed by such board between a date ten days after the official notice of the election on the repayment contract between the United States and the district and the date of such election. The date limiting the time of such filing shall be announced in the official notice of the proposed election, and lands for which such notice is filed shall be deemed excluded from the district for all purposes as of the time of such filing. Thereafter lands so withdrawn and excluded so long as they remain in private ownership shall not be entitled to receive water from, through, or by means of the project works.

Covenants
may run
with land.

SEC. 6. (a) Any or all the provisions of subsection 5 (b) that may be required to be included in recordable contracts may be made covenants running with any tract of land covered by such a contract by expressly so providing in the particular recordable contract.

U. S. repay-
ment con-
tract governs

(b) Such of the limitations and provisions of subsections (a) through (d) of section 5 as are included in the repayment contract between the district and the United States shall govern all the lands within the district unless otherwise provided in such con-

tract and shall govern notwithstanding any other provisions of the laws of this state.

SEC. 7. (a) Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by a recordable contract made under subsection 5 (b) hereof, in the affidavit required by that subsection shall constitute a misdemeanor punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty for misrepresenting consideration.

(b) Should any freehold estate in lands subject to the recordable contract made under subsection 5 (b) hereof be conveyed or contracted to be conveyed, after the date of execution of such recordable contract and within five (5) years from the time water becomes available for such lands, at a consideration in excess of the appraised value of said estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be invalid and unenforceable by the vendor or grantor, his successors or assigns as to that part of the consideration in excess of the appraised value of the estate involved. In the case of any such transaction involving deferred payments, said invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

Excessive contracts invalid.

The vendee or grantee in any such transaction at any time within two years from the date of any such conveyance or contract and on filing a correct affidavit as required in subsection 5 (b) (ii), may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

Right of recovery.

In connection with any judgment or decree hereunder in favor of a vendee or grantee, said vendee

Costs and attorney fees.

or grantee shall have the right to recover court costs and reasonable attorneys' fees.

Filing of records.

SEC. 8. There may be filed for record in the office of the County Auditor in the county in which the land lies any of the following: (a) Copies of any plat of established farm units approved by the Secretary as provided in section 4 hereof, when authenticated in the manner authorized by law; (b) copies of any instrument, action, determination, rule or regulation of the Secretary made in connection with the provisions of section 5 hereof or otherwise under the Federal reclamation laws and which is or may be determinative of title to lands or interest in lands, when authenticated in the manner authorized by law; and (c) any contract or instrument required to be executed by an owner, land purchaser or other person in connection with provisions incorporated in repayment contracts between a district and the United States as authorized by section 5 hereof. Such filing shall impart legal notice to the public of the matters and things set out therein.

State lands included in act.

SEC. 9. Whenever a district to which this act applies is organized or in process of organization, the State of Washington, by and through its proper officials, is authorized and directed to have any state lands within the exterior boundaries of such district included as a part of the lands of such district. The state hereby consents to the assessment by the district of such state lands so included in any such irrigation district, and to the enforcement of the payment of such assessments in like manner and to the same extent as applicable to private lands in such districts, except that the payment of such assessment against such state lands shall not be enforced by transfer of title, by tax sale, tax foreclosure or otherwise, until the state has sold or transferred such lands to a private party.

SEC. 10. In the case of state lands within a district have been segregated into farm units as provided in section 4 and the appraised value thereof established, the State of Washington, by and through its proper officials, is authorized and directed: (a) to recognize and accept such appraisal as ascertaining and determining the market value of such lands in the manner provided by law; and (b) to offer the state lands for sale for cash on the following terms and conditions:

State shall accept appraisal.

(i) Sales shall be made only at the appraised value; (ii) only one farm unit shall be sold to any person; (iii) applicants for the purchase of a farm unit shall be selected, as nearly as practicable, in accordance with the provisions of subsection C of section 4 of the Act of Congress of December 5, 1924 (43 Stat. 702); and (iv) each applicant shall be required to execute a recordable contract as provided in section 5 hereof if such a contract is required as a condition to the delivery of water under the terms of the district's repayment contract with the United States. (c) The State of Washington, by and through its proper officials, is hereby authorized and directed to cooperate with the Secretary in carrying out the purposes of this act, and in connection therewith, may execute recordable contracts as provided in section 5 hereof covering any state land.

Provisions for sale of state lands.

SEC. 11. In the case of any county owned land within any district has been segregated into farm units as provided in section 4 and the appraised value thereof established, the Board of County Commissioners of the county shall have authority at its option of entering into a contract with the United States to bring any of such county lands as the county board shall determine under the provisions of the recordable contracts provided for in section 5 hereof, whenever such contracts are required as

County lands may be included.

a condition to the delivery of water under the terms of the contract between the district and the United States, upon such terms as shall be agreed upon between the county and the United States: *Provided*, That such contract shall not obligate the county to pay any district assessments levied against such lands except such, if any, as the Board of County Commissioners of said county shall elect to pay: *Provided further*, That nothing herein contained shall be construed to deprive the district of the right to assess such lands, if otherwise assessable and to enforce the collection of the same in the manner provided by law.

Repeals.

SEC. 12. That Chapter 14, Laws of 1939, being sections 7525-5 to 7525-12, consecutively and both inclusive, Remington's Revised Statutes of Washington be and the same is hereby repealed: *Provided*, That this section shall not be construed as impairing any contract heretofore entered into under authority of said chapter 14, Laws of 1939, or of any part thereof, nor as affecting the validity of any irrigation district organized, or any action heretofore taken by any state, county or district official, under or in compliance with said chapter 14, Laws of 1939 or of any part thereof.

Existing contracts not impaired.

Inconsistent acts repealed.

SEC. 13. Subject to the proviso in section 12 of this act, any act or any part of an act that is inconsistent, or in conflict, with the provisions of this act or any part thereof, is hereby repealed.

Act of Congress controlling.

SEC. 14. The provisions and limitations of subsection 5 (b) and 5 (c) of the Act of Congress, as above entitled in section 3 of this act, concerning assessment and taxation of lands within the Columbia Basin Project while legal title remains vested in the United States are hereby accepted; and assessment and taxation by the state, political subdivisions thereof, and districts are hereby authorized to

be made in accordance with such provisions and limitations.

SEC. 15. The foregoing provisions of this Act are deemed to be an adoption, authorization, ratification, enactment of, and consent to each and all the provisions of the Act of Congress, as above entitled in section 3 of this act in so far as the provisions of the Federal Act or any part of the same come within the scope of state jurisdiction or authority, or may be applicable to state lands.

SEC. 16. Each section and provision of this act shall be considered separable from every other section and provision of the act, and should any section or provision thereof be held unconstitutional, the unconstitutionality of such section or provision shall not affect or impair the validity of the remainder of the act, but in that event the unconstitutional section or provision shall be eliminated and the remainder of the act remain in full force and effect. Saving clause.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect immediately. Effective immediately.

Passed the House March 10, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 276.

[H. B. 332.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; providing for the levying and collection of an excise tax on the privilege of transferring property by gift; and amending section 2, chapter 119, Laws of 1941 (section 11218-12, Rem. Supp. 1941).

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

Amend-
ments.

SECTION 1. Section 2, chapter 119, Laws of 1941 (section 11218-12, Rem. Supp. 1941), is amended to read as follows:

Gift tax.

Section 2. A gift tax shall be imposed on the aggregate total of all net gifts for each calendar year and all prior years subject to this act as follows: (1)

Rates of
tax.

With respect to all gifts made prior to January 1, 1943, at the rates fixed by law on December 31, 1942, and (2) with respect to all gifts made on or after

Class A.

January 1, 1943, at the following rates: Class A. Any gift made to or for the use or benefit of a grandfather, grandmother, father, mother, husband, wife, child, or step-child, adopted child or lineal descendant of any adopted child, son-in-law, daughter-in-law, or any lineal descendant of the donor is hereby denominated as Class A. On any amount passing to Class A, the tax shall be ninety per cent (90%) of the amount of a tax computed at the following rates: On any amount up to and including \$25,000, 1%; on any amount in excess of \$25,000 up to and including \$50,000, 2%; on any amount in excess of \$50,000 up to and including \$75,000, 3%; on any amount in excess of \$75,000 up to and including \$100,000, 4%; on any amount in excess of \$100,000 up to and including \$200,000, 7%; on any amount in excess of \$200,000 up to and including \$500,000, 9%; on any amount in excess of \$500,000, 10%: *Provided,*

Exemption.

That there shall be exempt \$10,000 of any amount

passing to Class A, which exemption shall be taken from the first \$25,000.

Class B. Any gift made to or for the use or benefit of a brother or sister is denominated Class B. On any amount passing to Class B the tax shall be ninety per cent (90%) of the amount of a tax computed at the following rates: on any amount up to and including \$5,000, 3%; on any amount in excess of \$5,000 up to and including \$10,000, 4%; on any amount in excess of \$10,000 up to and including \$30,000, 7%; on any amount in excess of \$30,000 up to and including \$50,000, 10%; on any amount in excess of \$50,000 up to and including \$100,000, 15%; on any amount in excess of \$100,000, 20%: *Provided*, That there shall be exempt \$1,000 of any amount passing to Class B, which exemption shall be taken from the first \$5,000.

Class C. Any gift to or for the use or benefit of any person or body politic or corporate other than mentioned in Class A and Class B herein, is hereby denominated Class C. On any amount passing to Class C the tax shall be ninety per cent (90%) of the amount of tax computed at the following rates: on any amount up to and including \$10,000, 10%; on any amount in excess of \$10,000 up to and including \$25,000, 15%; on any amount in excess of \$25,000 up to and including \$50,000, 20%; on any amount in excess of \$50,000, 25%.

Any gift of any property or income therefrom passing in trust shall be classified and taxed in accordance with relationship of the *cestui que* trust.

In each calendar year a deduction shall be allowed from the gross tax as computed under this section in an amount equal to the total of all gift taxes previously paid to the State of Washington by the taxpayer on gifts subject to this act.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 277.

[H. B. 333.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; providing for the levy and collection of taxes on estates; and amending section 2, chapter 55, Laws of 1901, as last amended by section 2, chapter 202, Laws of 1939 (section 11202, Remington's Revised Statutes, Supplement).

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

Amendments.

SECTION 1. Section 2, chapter 55, Laws of 1901, as last amended by section 1, chapter 202, Laws of 1939 (section 11202, Remington's Revised Statutes, Supplement), is amended to read as follows:

Inheritance tax.

Section 2. An inheritance tax shall be imposed on all estates subject to this act and other inheritance tax acts of the State of Washington as follows: (1) With respect to persons dying prior to January 1, 1943, at the rates fixed by law on December 31, 1942, and (2) with respect to persons dying on or after January 1, 1943, at the following rates:

Class A.

Class A. Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any grandfather, grandmother, father, mother, husband, wife, child or stepchild, adopted child or lineal descendant of any adopted child, son-in-law, daughter-in-law, or lineal descendant of the deceased is hereby denominated as class A. On any amount passing to Class A up to and including \$25,000, 1%; on any amount in excess of \$25,000 up to and including \$50,000, 2%; on any amount in excess of \$50,000 up to and including \$75,000, 3%; on any amount in excess of \$75,000 up to and including \$100,000, 4%; on any amount in excess of \$100,000 up to and including \$200,000, 7%; on any amount in excess of \$200,000 up to and including \$500,000, 9%; on any amount in excess of \$500,000, 10%: *Provided*, That except as otherwise provided

Rate of tax.

by statute there shall be allowed as an exemption to class A the following amounts: (A-1) \$5,000 of any amount passing to class A, which exemption shall include all allowances in lieu of homestead and all family allowances in excess of \$1,000 as allowed by section 104, chapter 180, Laws of 1935; and in addition thereto (A-2) \$5,000 for the surviving spouse and \$5,000 for each living child born prior to the death of the decedent, stepchild, or adopted child; and in addition thereto (A-3) \$5,000 for the living descendants of any deceased child, stepchild, or adopted child per stirpes and not per capita. The exemptions fixed by (A-2) and (A-3) shall be allowed regardless of the amounts passing to the persons named therein. If no person in class A as defined in (A-2) and (A-3) survives the decedent then there shall be allowed as an additional exemption to class A the sum of \$5,000. All of the amounts specified in A-1, A-2 and A-3 shall be allowed as exemptions to Class A as a whole and not to the persons mentioned therein. In computing tax liability under Class A the aggregate amount of the exemption shall be deducted from that portion of the total amount of the estate passing to beneficiaries which is taxable at the lowest rates specified herein;

Class B. On any devise, bequest, legacy, gift, or beneficial interest to any property or income therefrom which shall pass to any sister or brother is denominated class B. On any amount passing to class B up to and including \$5,000, 3%; on any amount in excess of \$5,000 up to and including \$10,000, 4%; on any amount in excess of \$10,000 up to and including \$30,000, 7%; on any amount in excess of \$30,000 up to and including \$50,000, 10%; on any amount in excess of \$50,000 up to and including \$100,000, 15%; on any amount in excess of \$100,000, 20%: *Provided*, That except as otherwise provided by statute there shall be exempt \$1,000 of any amount passing to class

Exemptions.

Class B.

Rate of tax.

Exemption.

B, which exemption shall be taken from the first five thousand dollars (\$5,000);

Class C.

Class C. Any inheritance, devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any person or body politic or corporate other than mentioned in class A and class B herein, is hereby denominated class C. On any amount passing to class C up to and including \$10,000, 10%; on any amount in excess of \$10,000 up to and including \$25,000, 15%; on any amount in excess of \$25,000 up to and including \$50,000, 20%; on any amount in excess of \$50,000, 25%.

Trust
property
passing
included.

Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom passing in trust shall be classified and taxed in accordance with the relationship of the *cestui que* trust.

Taxes and
exemptions
apportioned.

The taxes imposed and the exemption with respect to each class of beneficiaries shall be apportioned between the beneficiaries in such class in proportion to the amount receivable by such beneficiary.

Passed the House March 2, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 278.

[H. B. 334.]

RELOCATION OF STATE HIGHWAY NO. 5.

AN ACT relating to the reconstruction and relocation of a portion of Primary State Highway No. 5 to be inundated as a result of the construction of the Second Nisqually Power Development Project by the City of Tacoma; authorizing the Director of Highways to make an agreement with said city as to the relocation and reconstruction of said highway and as to the state's participation therein and payment of a portion thereof; providing for disposition of funds realized thereby; and declaring an emergency.

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

SECTION 1. The relocation and reconstruction of inundated portions of Primary State Highway No. 5 is a necessary part of and involved in the construction of the Second Nisqually Power Development Project by the City of Tacoma and it is to the best interest of the State of Washington that said portions of said highway be relocated and reconstructed according to present accepted standards of the Department of Highways.

Relocation
necessary.

SEC. 2. The Director of Highways is hereby authorized and empowered to enter into any agreement with the City of Tacoma which to him may seem necessary to accomplish a relocation and reconstruction of Primary State Highway No. 5 according to standards of location and construction which he, the said Director, may prescribe. Such agreement may include but need not be limited to the following: (1) Stipulations as to the amount and the manner of compensation to be made to the state by the City of Tacoma; (2) Stipulations as to the amount and manner of the state's participation in or payment for the contemplated reconstruction; and (3) Stipulations determining the character of instruments by which rights in real property, particularly rights of

Director
to make
agreement.

Provisions.

way, shall be conveyed by the state to the city and by the city to the state.

M. V. Fund
to receive
revenue and
pay cost.

SEC. 3. Any monies which may be realized by the State of Washington as a result of any such agreement authorized by section 1 hereof shall be deposited in the Treasury of the State of Washington to the credit of the Motor Vehicle Fund and shall be available for primary state highway purposes. Any monies to be paid to the City of Tacoma under any such agreement as a participation by the state in the cost of said reconstruction shall be made from any unexpended monies appropriated from the Motor Vehicle Fund for state highway purposes.

Effective
immediately.

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

Passed the House March 4, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 279.

[H. B. 339.]

RECLAMATION REVOLVING FUND.

AN ACT relating to reclamation, authorizing the Director of Conservation and Development to use the Reclamation Revolving Fund to purchase coupon notes and coupon warrants of irrigation districts, and amending section 5, chapter 158, Laws of 1919, as amended by section 1, chapter 132, Laws of 1923, section 1, chapter 13, Laws Ex. Ses. 1933 and section 1, chapter 7, Laws of 1935 (sec. 3008, Rem. Rev. Stat.).

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

SECTION 1. That section 5, chapter 158, Laws of 1919, as amended by section 1, chapter 132, Laws of 1923, section 1, chapter 13, Laws Ex. Ses. 1933 and section 1, chapter 7, Laws of 1935 (sec. 3008, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 5. In carrying out the purposes of this act, the Director of the Department of Conservation and Development of the State of Washington shall be authorized and empowered:

Director of Conservation and Development.

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

Surveys of unreclaimed lands.

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be deemed advisable, and the Director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

Adopt sound reclamation policy.

To purchase the bonds of any reclamation district whose project is approved by the Director and which is found to be upon a sound financial basis,

Purchase of bonds.

Contract for
construction
or super-
vision.

to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds, coupon notes or coupon warrants of such district in payment therefor, and to expend the monies appropriated from the reclamation fund in the purchase of such bonds, notes or warrants or in carrying out such

Interest.

contracts: *Provided*, That interest not to exceed the annual rate provided for in the bonds, notes or warrants agreed to be purchased, shall be charged and received for all monies advanced to the district prior to the delivery of the bonds, notes or warrants and the amount of such interest shall be included in the purchase price of such bonds, notes or war-

Limitation.

rants: *Provided further*, That no district, the bonds, notes or warrants of which have been purchased by the state under the provisions of the State Reclamation Act, shall thereafter during the life of said bonds, notes or warrants make expenditures of any kind from the bond or coupon warrant funds of the district or incur obligations chargeable against such funds or issue any additional coupon notes without previous written approval of the Director of Conservation and Development of the State of Washington, and any obligations incurred without such approval shall be void;

Disposal
of bonds.

To sell and dispose of any reclamation district bonds acquired by the Director, at public or private sale, and to pay the proceeds of such sale into the reclamation fund: *Provided*, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to the

Limitation.

Reconstruction Finance Corporation, its successor, or any other agency supplied with money by the United States of America, or to the United States of America in furtherance of refunding operations

Exception.

of any irrigation district, diking or drainage district, or diking or drainage improvement district, now pending or hereafter carried on by such district, in which case the Director shall have authority to sell any bonds of such district owned by the State of Washington under the provisions of the State Reclamation Act, to the United States of America, the Reconstruction Finance Corporation, its successor, or other Federal agency on such terms as said United States of America, the Reconstruction Finance Corporation, its successor, or other Federal agency shall prescribe for bonds of the same issue of such district as that held by the State of Washington in connection with such refunding operations;

Sales to U. S. agencies.

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the Director, on such terms and rate of interest and over such period of time as the Director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the Director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the Director shall not have authority to pledge the general credit of the State of Washington: *Provided*, That in reloading any money so borrowed, or obtained from a sale of bonds it shall be the duty of the Director to fix such rates of interest as will prevent impairment of the Reclamation Revolving Fund;

Loans.

Rates of interest.

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the State Reclamation Act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: *Pro-*

Delinquent assessments.

County
treasurer.

vided, That the Director shall be entitled to a delinquent tax certificate upon application to the proper County Treasurer therefor without the necessity of a resolution of the Board of County Commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers;

Sale of
delinquent
certificates.

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the Director shall determine;

Provide
safeguards.

To, whenever the Director shall deem it advisable, require any district with which he may contact, to provide such safeguards as he may deem necessary to assure *bona fide* settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

Clearing
of lands.

To clear and reclaim logged-off lands in the manner hereinafter in this act provided;

Employ
necessary
help.

To employ all necessary experts, assistants and employees and fix their compensation and to enter into any and all contracts and agreements necessary to carry out the purposes of this act;

Cooperation
of state
agencies.

To have the assistance, cooperation and services of, and the use of the records and files in, all the departments and institutions of the state, particularly the office of the Commissioner of Public Lands, the State Department of Agriculture, the Bureau of Farm Development, the Bureau of Statistics, Agriculture and Immigration, the State College of Washington, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to cooperate with the Director in furthering the purpose of this act;

To cooperate with the United States in any plan of land reclamation or land settlement or agricultural development which the Congress of the United States may provide and which may effect the development of agricultural resources within the State of Washington, or the settlement of soldiers, sailors, and other worthy persons, on the agricultural lands within this state, and the Director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

Cooperate
with U. S.

The Director shall prepare and report to the Legislature, at the commencement of each biennial session, a full statement of his operations and recommendations.

Biennial
report.

Passed the House February 27, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 280.

[H. B. 341.]

EXTRA-HAZARDOUS EMPLOYMENT.

AN ACT relating to compensation of workmen in extra-hazardous employments and providing for a court review of orders of the Department of Labor and Industries; and amending section 20, chapter 74, Laws of 1911, as amended by section 8, chapter 310, Laws of 1927, as amended by section 6, chapter 132, Laws of 1929, as amended by section 1, chapter 90, Laws of 1931 (section 7697, Remington's Revised Statutes).

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

SECTION 1. Section 20, chapter 74, Laws of 1911, as amended by section 8, chapter 310, Laws of 1927, as amended by section 6, chapter 132, Laws of 1929, as amended by section 1, chapter 90, Laws of

Amendments.

1931 (section 7697, Remington's Revised Statutes), is amended to read as follows:

Department of labor and Industries.

Service of decision.

Applicator for rehearing.

Joint board. Contents.

Objections waived.

Board may deny.

Section 20. Whenever the Department of Labor and Industries has made any order, decision or award, it shall promptly serve the claimant, employer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the department. Any claimant, employer or other person aggrieved by any such order, decision or award must, before he appeals to the courts, serve upon the Director of Labor and Industries, by mail or personally, within sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, an application for rehearing before the Joint Board of said department, consisting of the Director of Labor and Industries, the Supervisor of Industrial Insurance and the Supervisor of Safety. Such application shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and shall include every issue to be considered by the Joint Board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such rehearing is sought other than those specifically set forth in such application for rehearing or appearing in the records of the Department. If the Joint Board, in its opinion, considers that the Department has previously considered fully all matters raised by such application it may, without further hearing, deny the same and confirm the previous decision or award, or if the evidence on file with the Joint Board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application;

otherwise, it shall order a rehearing to decide the issues raised. If a rehearing be granted it shall be heard in the county of the residence of the applicant, or in the county where the injury occurred, at a place designated by the Joint Board, but the hearing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such rehearing shall be *de novo* and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes relating to Superior Courts of this state. The Joint Board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the rehearing. Such rehearing may be conducted by one or more of the members of the Joint Board, or by some person or persons in the regular employ of the Department, duly commissioned by said Board to conduct such hearing, but the record on rehearing shall be considered by all of the members of said Joint Board, and the decision of a majority of said Joint Board shall be the decision of said Joint Board, and upon such decision being rendered all parties to said rehearing shall be given written notice thereof by the Joint Board.

Rehearing if granted.

De novo.

Stenographic record.

Conduct of hearing.

An application for rehearing shall be deemed to have been denied by the Joint Board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the Joint Board may in its discretion, extend the time within which it may act upon such application, not exceeding thirty days.

Rehearing denied unless acted upon.

Proviso.

Each of the members of the Joint Board, and those commissioned by it as aforesaid, shall have

Powers of
joint board.

power to administer oaths; to preserve and enforce order during such rehearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

Resistance
to joint
board.

If any person in proceedings before the Joint Board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglect to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the Joint Board or any member thereof shall certify the facts to the Superior Court having jurisdiction in the place in which said Joint Board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the Court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the Court.

Punishable
as for
contempt
of court.

Appeal from
decision of
joint board.

Within thirty days after the final order of the Joint Board upon such application for rehearing has been communicated to such applicant, or within thirty days after rehearing is deemed denied as herein provided, such applicant may appeal to the Superior Court of the county of his residence, or to the Superior Court of the county wherein the injury

occurred, but upon such appeal may raise only such issues of law or fact as were properly included in his application for rehearing, or in the complete record in the Department. On such appeal the hearing shall be *de novo*, but the appellant shall not be permitted to offer, and the Court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the Joint Board or included in the record filed by the Department: *Provided*, That the right of cross examination shall not be limited by the testimony before the Joint Board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the Clerk of the Court a notice of appeal and by serving a copy thereof by mail, or personally, on the Director of Labor and Industries. The Department of Labor and Industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the Supreme Court, except that an appeal by the employer from a decision of the Department under section 7683 of Remington's Compiled Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the Court, shall be filed, conditioned to perform the judgment of the Court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the Court, except that in cases arising under section 7683 and 7690 of Remington's Compiled Statutes, either party shall be entitled to a jury trial upon demand.

Hearing on
appeal
de novo.

Cross-exami-
nation.

Procedure
on appeal.

No bond
on appeal.

Exception.

Jury.

Record of
department.

The Department of Labor and Industries shall serve upon the appellant and file with the Clerk of the Court before trial, a certified copy of its com-

plete record on the claim, which shall, upon being so filed, become a part of the record in such case.

Confirmation
of decision.

If the Court shall determine that the Department has acted within its power and has correctly construed the law and found the facts, the decision of the Department shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the Superior Court shall refer the same to the Department of Labor and Industries with an order directing it to proceed in accordance with the findings of the Court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act.

Modification
or reversal.

Attorney and
witness fees.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the Court in the case, and if the decision of the Joint Board shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the Superior Court as in other civil cases. The Attorney General shall be the legal adviser of the Joint Board and shall represent it in all proceedings. In all Court proceedings under or pursuant to this act the decision of the Department shall be *prima facie* correct and the burden of proof shall be upon the party attacking the same.

Appeal to
supreme
court.

Passed the House March 5, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 281.

[H. B. 348.]

MOTOR VEHICLE TRANSPORTATION.

AN ACT relating to the transportation of persons within the state by motor vehicle; providing for supervision and regulation of motor vehicles used in transportation of workers to defense plants; providing certain powers and duties for the Director of Licenses; prescribing fees and penalties; declaring an emergency and prescribing the period of effectiveness of the act.

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

SECTION 1. By reason of the war in which the United States is engaged and the establishment and operation of many large and important plants in this state devoted to the manufacture and construction of essential war materials, and the large number of workmen employed in said plants, and by reason of the national program of conservation of motor vehicles, equipment, fuel and tires, an emergency exists in the transportation of said workmen from their homes to said plants. Established transportation agencies are carrying said workmen to the limits of their capacities and it has become necessary for said workmen to travel to and from their work in groups in private passenger cars and other motor vehicles of all types. The operation of said motor vehicles unregulated has created unsafe and hazardous conditions upon the public highways and makes it imperative that more complete regulation should be employed as to such transportation to the end that the highways may be rendered safer for the use of the general public, and that safe conditions in such transportation may be fostered in the public interest. It is hereby found and declared to be necessary in the public interest that regulation of such transportation be effected.

Regulation
of emergency
transportation.

Definitions.

SEC. 2. Where used in this act the following words and phrases shall have the meaning as in this act ascribed to them.

(a) "Director." The Director of Licenses of the State of Washington, or any duly authorized assistant.

(b) "Department of Public Service." The Department of Public Service of the State of Washington.

(c) "Person." Every natural person, firm, co-partnership, association or corporation.

(d) "State Commission on Equipment." The State Commission on Equipment consisting of Director of Licenses, Director of Highways and the Chief of the Washington State Patrol.

(e) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(f) "Motor Vehicle." Every vehicle which is self propelled and not operated upon rails and every combination of motor vehicle and semi-trailer or motor vehicle and trailer.

(g) "State." State of Washington.

(h) "Certificate of Inspection." The certificate required by the Director as herein provided.

(i) "Compensation." Any consideration paid by an employee of a defense plant to the owner of a victory motor vehicle for transportation or any contribution between joint owners, or any payment under an agreement to share costs of operation of a victory motor vehicle.

(j) "Victory Motor Vehicle." Any motor vehicle built for or capable of carrying seated more than six (6) passengers, exclusive of the driver, used exclusively for the purpose of carrying for compensation, employees of defense plants to and from

said defense plants. "Victory Motor Vehicle" as herein defined shall not be included within the terms "auto stage" and "for hire vehicle" as said terms are defined in section 1, chapter 188, Laws of 1937, or any amendment thereto. Definitions.

(k) "Defense Plant." Any construction project for the United States Government, or any department or agency thereof directly related to the United States war effort, and any manufacturing, shipbuilding or other plant directly engaged in producing essential war materials for the United States war effort.

SEC. 3. It shall be unlawful for any person to operate any victory motor vehicle over and along any of the public highways of this state without first having obtained and having in full force and effect a current and proper victory motor vehicle license and displaying victory motor vehicle license plates therefor as by this act provided. Victory
M. V. license.

SEC. 4. There shall be paid and collected annually for each calendar year or fractional part thereof and upon each victory motor vehicle a basic license fee in the sum of three dollars and twenty-five cents (\$3.25). Fees.

SEC. 5. In addition to other fees for the licensing of victory motor vehicles, there shall be paid and collected annually for each victory motor vehicle the sum of ten dollars (\$10).

SEC. 6. The Director shall furnish to all persons making satisfactory application for victory motor vehicle license, as provided herein, two identical victory motor vehicle license number plates, each containing the victory motor vehicle license number to be displayed on such victory motor vehicle, as by law required. The number and plate shall be of such size and color and shall contain such symbols indicative of the year for which the same was issued Plates.

and of the State of Washington, as shall be determined and prescribed by the Director.

Application.

SEC. 7. Application for victory motor vehicle license shall be made on a form furnished for the purpose by the Director. Such application shall be made by the owner or person responsible for the operation of the victory motor vehicle whether or not such person is the actual driver of said victory motor vehicle, or his duly authorized agent, over the signature of such person or agent and such applicant shall certify that the statements therein are true to the best of his knowledge. The application shall show:

Contents.

1. Name and address of the owner of the victory motor vehicle.
2. Trade name of the vehicle, model, year, type of body and motor number.
3. Such other information as shall be required upon such applications by the Director.

Inspection.

SEC. 8. Before issuing any victory motor vehicle license, the Director shall require that the victory motor vehicle be inspected by the Washington State Patrol to ascertain whether such victory motor vehicle conforms with the standards of safety prescribed by the State Commission on Equipment. The State Commission on Equipment is authorized to prescribe such standards of safety and such rules and regulations for the operation of victory motor vehicles as it may deem necessary. If the inspection by the Washington State Patrol discloses that the victory motor vehicle conforms to such safety standards, a certificate of inspection shall be issued stating that the victory motor vehicle conforms to such safety standards and may be licensed.

Safety standards and rules.

Refunds of excess fees.

SEC. 9. The Director is authorized to refund excess fees to persons who have heretofore operated victory motor vehicles and who have paid 1943 license fees in excess of those herein provided.

SEC. 10. Every person owning a victory motor vehicle shall, upon obtaining the license hereinbefore mentioned, deposit with and thereafter keep on file with the Director a surety bond running to the State of Washington, covering each victory motor vehicle in the sum of one thousand dollars (\$1,000) for any recovery for death or personal injury by one person, and five thousand dollars (\$5,000) for all persons killed or receiving personal injury by reason of one act of negligence, and one thousand dollars (\$1,000) for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state, as surety, and to be approved by the Director, conditioned for the faithful compliance by the principal of said bond with the provisions of this act and to pay all damages which may be sustained by any person injured by reason of any negligence on the part of said principal, his agents or employees, in the operation of any victory motor vehicle. Bond.

SEC. 11. In lieu of the surety bond, as above provided, there may be deposited and kept on file and in force with the Director a public liability insurance policy for each victory motor vehicle operated or intended to be operated, executed by an insurance company licensed and authorized to write such insurance policies in the State of Washington, assuring the applicant for license, herein referred to, against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond. No provision of this act shall be construed to limit the right of any injured person to any private right of action against the owner of a victory motor vehicle, as herein defined: *Provided, however,* The owner of a victory motor vehicle shall be liable in the Insurance
in lieu of
bond.

operation of said victory motor vehicle to the employes of the defense plant transported in his victory motor vehicle only for death or personal injury caused by the gross negligence of said owner or his agent.

Trailers.

SEC. 12. Notwithstanding the provisions of any law prohibiting the transportation of passengers in trailers or semi-trailers, the State Commission on Equipment may authorize persons operating victory motor vehicles to transport persons in such trailers or semi-trailers.

Penalty for violation.

SEC. 13. Every person who shall violate or fail to comply with, or who procures, aids or abets any violation by any person of any provision of this act, or who shall fail to obey, observe or comply with, rules and regulations prescribed hereunder by the State Commission on Equipment, or who procures, aids or abets any person in his failure to obey, observe and comply with such rules and regulations, shall be guilty of a misdemeanor.

Private cars exempted.

SEC. 14. It is hereby declared to be the intention of the Legislature that unaltered private passenger cars and other motor vehicles of six (6) passengers or less seating capacity, exclusive of the driver, used exclusively for the purpose of carrying for compensation employees of defense plants to and from said defense plants, shall be exempted from regulation under the provisions of this act and shall not be required to comply with the regulatory provisions of any law peculiar to the licensing and operation of for-hire vehicles. Nothing herein shall be deemed to exempt the owners and/or operators of the cars or vehicles mentioned in this section from the provisions of the Uniform Motor Vehicle Safety Responsibility Act of this state.

Not subject to Ch. 111, Laws of 1921.

SEC. 15. Except when the Department of Public Service shall determine, after notice and hearing, that the operation thereof is contrary to the provi-

sions of chapter 111, Laws of 1921, as amended, the operation of a victory motor vehicle, whether by an auto transportation company or other person, shall not be subject to any of the provisions of said chapter 111, Laws of 1921, as amended, or other public service laws and regulations of the Department of Public Service.

SEC. 16. This act shall expire six months after the final armistice between the United States and its enemies, if said period of time occurs prior to April 1, 1945. But in no event shall this act be effective after April 1, 1945. Expiration.

SEC. 17. If any section, paragraph, sentence, clause or phrase of this act is held to be unconstitutional, said holding shall not affect the validity of the remaining portions of this act; it being the intention of the Legislature that the remaining portion of said act would have been passed if said section, paragraph, sentence, clause or phrase had been omitted. Saving clause.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety and for the support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the House March 9, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 282.

[H. B. 369.]

TRANSFER OF CERTAIN FUNDS.

AN ACT authorizing and directing the transfer of funds of certain port districts to the district school funds when such port districts are dissolved and disestablished or about to be dissolved and disestablished.

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

Transfer of funds upon dissolution.

Petition superior court.

School district funds.

Court order.

SECTION 1. Whenever any port district located in any county of the sixth (6th) class shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the Superior Court of such county for an order authorizing the transfer of such funds to the School District Fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

SEC. 2. The Superior Court of any such county shall enter his order authorizing such transfer of funds if he is satisfied, after hearing the petition therefor, that the port district is dissolved and disestablished or is about to be dissolved and disestablished and that no obligations of the port district remain unpaid. The Court shall equitably divide such sums of money between school districts if there be more than one district involved.

Passed the House March 5, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 283.

[H. B. 404.]

COLUMBIA BASIN COMMISSION.

AN ACT relating to the Columbia Basin Project, creating a Columbia Basin Commission, prescribing how the same shall be constituted, and defining its powers and duties, amending sections 1, 3 and 4, chapter 81, Laws of 1933 (secs. 3017-1, 3017-3 and 3017-4, Rem. Rev. Stat., secs. 5724-26, 5724-28 and 5724-29, Pierce's Code) and section 2, chapter 81, Laws of 1933, as amended by section 1, chapter 132, Laws of 1935 (sec. 3017-2, Rem. Rev. Stat., sec. 5724-27, Pierce's Code), making an appropriation and declaring an emergency.

WHEREAS, The timely construction of the Columbia Basin irrigation system, the orderly settlement and development of the project lands, and the development of the hydroelectric resources of the Columbia River, and the promotion of the discovery and use of mineral, agricultural and industrial resources of the adjacent area are all of vital importance to the United States, to the State of Washington, to the Columbia Basin irrigation districts, the present land owners therein, and to the future settlers upon the project, therefore in the furtherance of the attainment of these objectives,

Columbia
Basin de-
velopment
vital.

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

SECTION 1. That section 1, chapter 81, Laws of 1933 (sec. 3017-1, Rem. Rev. Stat., sec. 5724-26, Pierce's Code) be amended to read as follows:

Amend-
ments.

Section 1. There is hereby created a non-salaried commission to be known as the Columbia Basin Commission, which shall consist of seven (7) members, three (3) of whom shall be designated by and from among the members of boards of directors of the three (3) Columbia Basin irrigation districts; namely, one (1) member by and from among the directors of the Quincy-Columbia Basin Irrigation

Columbia
Basin
Commission.

District, one (1) by and from among the directors of the East Columbia Basin Irrigation District, and one (1) by and from among the Board of Directors of the South Columbia Basin Irrigation District; three (3) members shall be appointed by the Governor, and removable by him at his pleasure; and the Director of the Department of Conservation and Development shall be the seventh (7th) member and chairman of the Commission. As soon as possible after this act becomes effective, and not later than the first day of February each year thereafter, the respective Irrigation District Boards shall select one of its members to serve on the Columbia Basin Commission for the ensuing year, and shall thereupon forthwith certify such selection to the Governor. The term of any Commission member designated by an irrigation district shall terminate when his successor has been certified to the Governor or upon the expiration of his term as Irrigation District Director. Each member of the Commission, except the Director of the Department of Conservation and Development, shall receive fifteen dollars (\$15) per day and transportation while actually engaged in the performance of his duties within the State of Washington.

Term.

Per diem.

Commission divided.

SEC. 2. The Columbia Basin Commission shall be divided into two (2) groups to be known respectively as the Reclamation Section and the Resources Section which shall function jointly and separately as hereinafter provided.

Reclamation section.

The membership of the Reclamation Section shall consist of the three (3) members representing the three (3) Columbia Basin irrigation districts and the Director of the Department of Conservation and Development, who shall be chairman of the section.

Resources section.

The membership of the Resources Section shall consist of the three (3) members appointed by the Governor and the Director of the Department of

Conservation and Development, who shall be chairman of the section.

SEC. 3. That section 2, chapter 81, Laws of 1933, as amended by section 1, chapter 132, Laws of 1935 (sec. 3017-2, Rem. Rev. Stat., sec. 5724-27, Pierce's Code) be amended to read as follows:

Section 2. The Columbia Basin Commission shall be empowered and it shall be its duty on behalf of the State of Washington to study and promote the development and utilization of the agricultural, water, power, mineral, timber, recreational, and other natural resources of the Columbia River Basin, with special reference to those parts embracing the Columbia Basin irrigation project, Grand Coulee power project and tributary areas. The Commission shall meet, organize, and enter upon its duties immediately after its members have been appointed and designated. A majority of the Commission shall constitute a quorum. The Commission shall meet at the call of the chairman, and in no event less than twice a year.

Promote
development
of resources.

SEC. 4. The Reclamation Section of the Columbia Basin Commission shall be empowered and it shall be its duty to advise and assist the Board of Directors of the said Columbia Basin irrigation districts in matters relating to the construction and development of the Columbia Basin irrigation project by the Federal Government to the end that full benefits may be realized at the earliest feasible time to the nation, state and region. None of the powers and duties of the Commission shall be construed to interfere, conflict or supersede the powers and duties of the Boards of Directors of said districts, but in order to effectively advise and assist the said irrigation districts, land owners, and settlers, the Reclamation Section shall:

Duties of
reclamation
section.

(1) Formulate and promote the passage of state and national legislation prescribing the basis for re-

Promote proper legislation.

payment contracts between the Federal Government and the irrigation districts, for appraisal of lands and the disposition of excess land holdings, and for the selection of settlers and the settlement and development of project lands.

Determine safe costs.

(2) Review studies heretofore made and undertake studies of its own in order to determine the amount of irrigation construction costs which can be safely assumed and repaid by the project farmers under the terms of the national reclamation act; aid in securing a sufficient allocation of power revenues from the Coulee Dam power development to cover any portion of construction costs which cannot be safely assumed and repaid by the project farmers, and aid the irrigation districts in securing repayment contracts that are safe and equitable to both contracting parties.

Seek best water plan.

(3) Give broad study to the relative merits of the various plans for delivery and distribution of irrigation water to the several portions of the project area, and suggest and advocate the adoption of that plan which appears to most adequately satisfy future and present requirements.

Promote federal funds.

(4) At proper and opportune times urge upon congress the appropriation of funds for commencement of construction of the irrigation project and for its progressive prosecution at rates commensurate with the rate of settlement and development of the project lands.

Land settlement.

(5) Study methods and plans for settlement and development of the project lands and actively cooperate with and render aid to Federal and other agencies engaged therein.

Provide information.

(6) Engage in a general educational program to gain general recognition of the enduring benefits which will accrue from the project to the state and nation through creation of new wealth, and provide data and information for members of congress, any committee thereof, and for Federal officials as an

aid in securing needed legislation, contracts, and timely appropriations for the project; and the Reclamation Section shall be charged with responsibility for studying and obtaining state wide and national recognition of the potentialities of this project for immediate post-war employment.

(7) Study and further the establishment of such industrial enterprises within or adjacent to the project as will utilize electric energy developed at Coulee Dam and food and fiber crops grown upon the project; and the Reclamation Section may study and make recommendations with respect to any major matters or plan affecting the economic and social aspect of the project and its present and prospective inhabitants.

Seek industries.

SEC. 5. The Resources Section of the Columbia Basin Commission shall be empowered and it shall be its duty to study and promote the development of the hydroelectric resources of the Columbia River and to further promote the discovery and use of all mineral, agricultural, and industrial resources of the Columbia River Basin.

Duties of resources section.

SEC. 6. That section 3, chapter 81, Laws of 1933 (sec. 3017-3, Rem. Rev. Stat., sec. 5724-28, Pierce's Code) be amended to read as follows:

Amendments.

Section 3. The Columbia Basin Commission shall have the power to employ a secretary or secretaries and such other persons as may be necessary to carry out its functions under this act, to fix the compensation to be paid to such secretary and employees, and to expend such funds allocated under the provisions of this act as may be necessary for such purposes. Whenever the Commission shall find it necessary or desirable, in the interest of the attainment of any of its lawful objectives, to delegate its members, officers or employees to temporary duties at points outside the State of Washington, such representatives, in addition to any other compensation herein provided for, may be reimbursed in full for actual

Power to employ assistants.

and necessary traveling, lodging, and subsistence expenses incurred while so engaged, and notwithstanding the provisions of any other statutes now in effect.

Amend-
ments.

SEC. 7. That section 4, chapter 81, Laws of 1933 (sec. 3017-4, Rem. Rev. Stat., sec. 5724-29, Pierce's Code) be amended to read as follows:

State records
available.

Section 4. The records and data of all state officials and departments shall be available to the Commission and its sections, and all such officers and departments are required and directed to cooperate with the Commission and its sections. The Columbia Basin Commission shall report to all regular and special sessions of the Legislature and shall present statements in detail of all activities, expenditures and developments, and may recommend such legislation as may be required to promote the construction and development of said project. The Commission shall also have power to hold hearings and subpoena and serve compulsory processes to compel the attendance of witnesses before it.

Reports.

Appropriation.

SEC. 8. There is hereby appropriated from the General Fund to the Department of Conservation and Development for Columbia Basin activities, including the payment of the necessary expenses of the Columbia Basin Commission and its Reclamation and Resources Sections in carrying out the provisions of this act, for the biennium ending March 31, 1945, the sum of eighty thousand dollars (\$80,000), or as much thereof as may be necessary.

Effective
immediately.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 5, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 284.

[S. B. 169.]

CHATTEL MORTGAGES.

AN ACT relating to chattel mortgages and the filing thereof; providing for optional filing thereof with the Secretary of State after filing in a county and the effect thereof; providing for records to be kept by the Secretary of State and the amount of filing fees; amending section 1987, chapter CXLI, Code of 1881, as amended by section 1, chapter 96, Laws of 1915 (section 3780 of Remington's Revised Statutes); and section 2, chapter XCVIII, Laws of 1899 (section 3781 of Remington's Revised Statutes); and section 1988, chapter CXLI, Code of 1881, as amended by section 1, chapter 121, Laws of 1939 (section 3788 of Remington's Revised Statutes); and section 8 of chapter XCVIII of the Session Laws of 1899, as amended by chapter 133 of the Session Laws of 1937 (Remington's Revised Statutes, section 3787).

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

SECTION 1. Section 1987, chapter CXLI, Code of 1881, as amended by section 1, chapter 96, Laws of 1915 (Remington's Revised Statutes, section 3780) is amended to read as follows:

Amendments.

Section 1987. (a) A mortgage of personal property is void as against all creditors of the mortgagor, both existing and subsequent, whether or not they have or claim a lien upon such property, and against all subsequent purchasers, pledgees, and mortgagees and encumbrancers for value and in good faith, unless it is accompanied by the affidavit of the mortgagor that it is made in good faith, and without any design to hinder, delay, or defraud creditors, and unless it is acknowledged and filed within ten days from the time of the execution thereof in the office of the County Auditor of the county in which the mortgaged property is situated as provided by law.

Mortgage void against creditors.

(b) Any chattel mortgage executed as provided in this section, or a true copy thereof certified as a true copy by the Auditor of any county where the

Effect of filing.

same has been filed, may also at any time prior to its satisfaction, discharge, or release, be filed for record in the office of the Auditor of any other county in the state, or in the office of the Secretary of State, or both, but filing in the office of the Secretary of State shall be of no effect however, until the mortgage or copy thereof shall have been filed with a County Auditor as provided in paragraph (a) of this section. But when a mortgage is filed with a County Auditor in compliance with said paragraph (a), and with the Secretary of State, such filing shall have the same effect as if the mortgage had been duly filed for record in the office of the Auditor in each county of this state.

Amend-
ments.

SEC. 2. Section 2 of chapter XCVIII of the Laws of 1899 (Remington's Revised Statutes, section 3781) is amended to read as follows:

Procedure
of filing.

Section 2. Upon the receipt of any such instrument presented for filing, the County Auditor or the Secretary of State, as the case may be, 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 said book shall be kept in the manner required for indexing deeds to real estate, and the County Auditor or the Secretary of State, as the case may be, shall receive for the services as required by this act the sum of fifty cents for every instrument, and the moneys so collected shall be accounted for as other fees of his office. Such instruments shall remain on file for the inspection of the public.

Index.

Fee.

SEC. 3. Section 1988, chapter CXLI, Code of 1881, as amended by section 1, chapter 121, Laws of 1939 (section 3788 of Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 1988. When the personal property described in a mortgage which has been filed in accordance with the provisions of sections 3780, 3781, or 3786 of Remington's Revised Statutes has been thereafter removed from the county in which the mortgage is filed such property is, except between the parties thereto, and those having actual notice thereof, exempted from the operation thereof unless either:

1. The mortgagee shall, prior to such removal or within thirty (30) days after such removal cause a copy of the mortgage, certified by the Auditor of the county where filed, to be filed in the office of the County Auditor of the county to which the property shall be or has been removed: *Provided*, That the filing of the mortgage after said period in the county to which such property is so removed shall restore the operation of the mortgage as to all parties except purchasers and encumbrancers in good faith who shall have become such after the expiration of said thirty (30) days and before such filing in the county to which the property has been removed; or

Mortgage
filed in
county to
which
chattels are
moved.

2. The mortgagee shall, prior to such removal or within thirty (30) days after such removal cause a copy of the mortgage, certified by the Auditor of the county where filed, to be filed in the office of the Secretary of State according to the provisions of section 3780 of Remington's Revised Statutes: *Provided*, That the filing of the mortgage after said period with the Secretary of State shall restore the operation of the mortgage as to all parties except purchasers and encumbrancers in good faith who shall have become such after the expiration of said

Mortgage
filed with
Secretary
of State.

thirty (30) days and before such filing in the county to which the property has been removed.

3. The mortgage be recorded in the custom house; or

Mortgage on vessel or boat.

4. The mortgagee within thirty (30) days after such removal takes possession of the property: *Provided*, That a mortgage on any vessel or boat, or part of a vessel or boat, over twenty tons burden, shall be recorded in the office of the Collector of Customs, where such vessel is registered, enrolled, or licensed, and need not be recorded elsewhere.

Amendments.

SEC. 4. Section 8 of chapter XCVIII of the Session Laws of 1899, as amended by section 1 of chapter 133 of the Session Laws of 1937, (Remington's Revised Statutes, section 3787) is hereby amended to read as follows:

Procedure upon satisfaction of mortgage or contract.

Section 8. Whenever any mortgage or contract of conditional sale of personal property or lease thereof, which has been filed or recorded with the County Auditor or with the Secretary of State, has been 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 in writing, under his hand and acknowledged by him, stating the date of the mortgage or contract, the names of the parties thereto, the Auditor's file number thereof, or the Secretary of State's file number thereof, and that the same has been discharged in full; and shall file or record such certificate in writing with the officer with whom such mortgage or contract is filed, the said officer shall deliver said mortgage or contract to the person producing such certificate on payment of the proper fee for filing or recording said certificate, and shall file said certificate in his office, endorsing thereon the true date of filing the same, and shall keep and preserve said certificate among the records in his office, and

shall write the word "satisfied" with the date opposite to such mortgage or conditional sale 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 twenty-five cents (25¢) for each release or satisfaction of chattel mortgage filed with him.

Passed the Senate March 2, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 285.

[S. B. 200.]

SUPPLEMENTAL APPROPRIATION.

AN ACT making appropriations for the purchase of land, construction of buildings and improvements at designated state institutions; for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices; for the relief of certain individuals, corporations, counties and municipalities; for refunds and for deficiencies and for emergencies, including deficiencies and appropriation of revolving funds, and for purposes specified in certain acts of Congress, and for miscellaneous purposes designated for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945, except as otherwise provided; defining terms, limiting allowances and providing that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay" whenever used in this act shall mean and include the purchase and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Capital
outlay."

The words "salaries and wages" whenever used in this act shall mean and include salaries of executive officers and employees of state offices, depart-

"Salaries
and wages."

ments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Operations."

The word "operations" whenever used in this act shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery.

Appropriations.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1943, and ending March 31, 1945, except as otherwise provided.

FROM THE GENERAL FUND.

Department of Agriculture.

FOR THE DEPARTMENT OF AGRICULTURE:

To be expended in connection with the emergency farm labor program:

Salaries and Wages.....	\$13,000.00	
Operations	3,000.00	
Total.....	—————	\$16,000.00

FOR THE COUNCIL OF STATE GOVERNMENTS:		Council of State Governments.
To be distributed on vouchers approved by the Governor.....	\$3,000.00	
FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		Department of Finance, Budget and Business.
To complete construction of Naval and Marine Corps Reserve Armory, Seattle	\$1,000.00	
Eastern State Hospital:		
Salaries, Wages and Operations.....	\$70,000.00	
FOR THE DEPARTMENT OF FISHERIES:		Department of Fisheries.
Research, rehabilitation, propagation and development of fisheries resources within the State of Washington	\$200,000.00	
For Biological Research — Oyster Industry	25,000.00	
Total.....	\$225,000.00	
(Provided that expenditures from the above appropriations shall be limited to amounts allocated by the Governor.)		
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Portrait of the Honorable Clarence D. Martin... (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 234, Laws of 1941)	\$650.00	
FOR THE STATE SOCIAL SECURITY COMMITTEE:		Social Security Committee.
Grants-in-Aid	\$2,000,000.00	
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapters 223 and 244, Laws of 1941)		
FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		Western Washington College of Education.
Heating plant and equipment..... (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 234, Laws of 1941)	\$81,961.14	
FROM THE CAPITOL BUILDING CONSTRUCTION FUND.		
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Deschutes Water Basin Improvement..... (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 244, Laws of 1941)	\$231,573.15	
For addition to Highway Building for X-ray storage	\$10,000.00	

FROM THE GAME FUND.

Department of Game. FOR THE DEPARTMENT OF GAME:
 To pay damages to property caused by elk and/or deer during the years 1942-43, for claims filed at the Twenty-eighth regular session of the Legislature for damages incurred from December 1, 1942, to February 28, 1943, inclusive, to cultivated agricultural and horticultural crops: *Provided*, That disbursements herefrom shall be made only in such amounts as shall be approved by the State Game Commission and the Director of Game..... \$60,000.00

FROM THE TEACHERS' RETIREMENT FUND.

Teachers' Retirement System. FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:
 Deficiency, Claims, Awards and Refunds..... \$100,811.85

FROM THE GENERAL FUND.

Treasurer. FOR THE STATE TREASURER:
 Housing Cost \$5,104.00

FROM THE MOTOR VEHICLE FUND.

Housing Cost \$2,552.00

FROM THE GENERAL FUND.

Department of Agriculture. FOR THE DEPARTMENT OF AGRICULTURE:
 Housing Cost \$7,075.20

FROM THE GRAIN AND HAY INSPECTION FUND.

Housing Cost \$844.80

FROM THE COMMISSION MERCHANTS FUND.

Housing Cost \$950.40

FROM THE GENERAL FUND.

Department of Conservation and Development. FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:
 Housing Cost \$3,786.96

FROM THE RECLAMATION REVOLVING FUND.

Housing Cost \$5,130.72

FROM THE GENERAL FUND.

Department of Labor and Industries. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:
 Housing Cost \$12,442.08

FROM THE MEDICAL AID FUND.

Housing Cost \$12,442.08

FROM THE ELECTRICAL LICENSE FUND.

Housing Cost \$507.84

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

Housing Cost	\$1,560.00	Parks Committee.
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FROM THE HIGHWAY SAFETY FUND.

State Patrol.

FOR THE WASHINGTON STATE PATROL:

Housing Cost	\$7,176.00	
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FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

Housing Cost	\$7,500.00	Superintend- ent of Public Instruction.
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FROM THE BLASTERS EXAMINERS FUND.

To carry out the provisions of Senate Bill 104

(Expenditures not to exceed receipts).....	\$10,000.00	} Vetoed.
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FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS,
FIRMS AND CORPORATIONS:

Relief.

TREASURER OF THE UNITED STATES, Repayment of appal of Sampson Tulec.....	\$121.50	
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STATE SOLDIERS' HOME AT ORTING, for fire fighting service, Orting Volunteer Fire Department....	\$100.00	
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DEEP RIVER TIMBER COMPANY, refund for fuel oil tax	\$357.94	
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J. NEILS LUMBER COMPANY, refund of fuel oil tax	\$2,966.29	
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J. NEILS LUMBER COMPANY, ASSIGNEE OF A. C. BARTHOLOMEW, refund of fuel oil tax.....	\$264.05	
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CITY OF SPOKANE, refund of fuel oil tax.....	\$2,198.80	
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SPOKANE UNITED RAILWAYS, refund of fuel oil tax	\$2,528.24	
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M. W. CONWAY, TRUSTEE, refund for loss to In- mates' Fund at Eastern State Hospital account failure of Wall Street Bank, Spokane.....	\$407.69	
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DICK DuBOIS, refund of fee paid for caravan per- mit	\$250.00	
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LANG M. GOODWIN, refund of real estate dealers license fee	\$5.00	
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EDWARD CARL HENNING, refund of payment on contract for Lake Union Shore Lands for which the state could not give title.....	\$53.90	
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PAY LESS DRUG STORES, refund of retailers pro- phylactic fee	\$3.00	
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J. P. RUSSETT, refund of architect's license fee..	\$105.00	
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ANSTETT PRINTING COMPANY, refund of over-pay- ment of corporation license fee.....	\$15.00	
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Relief.	BUCHANAN LUMBER AND PLYWOOD COMPANY, refund of over-payment of corporation license fee	\$15.00
	FRYE AND COMPANY, refund of over-payment of corporation license fee	\$55.96
	FRYE AND COMPANY, refund of over-payment of corporation license fee	\$56.43
	HOME FUEL AND LUMBER COMPANY, refund of over-payment of corporation license fee.....	\$15.00
	McCLEARY UTILITY COMPANY, refund of over-payment of corporation license fee.....	\$10.98
	NATURAL GAS CORPORATION OF WASHINGTON, refund of over-payment of corporation license fee	\$21.91
	R AND S REALTY COMPANY, refund of over-payment of corporation license fee.....	\$15.00
	TOUGAW AND OLSON, Inc., refund of over-payment of corporation license fee	\$48.50
	WHITE SALMON HARDWARE COMPANY, refund of over-payment of corporation license fee.....	\$15.00
Vetoed. {	IDA BERTELACCHI, refund of monies escheated to Permanent School Fund	\$1,603.50
	C. E. BROWN, refund of unclaimed bank dividends escheated to the Permanent School Fund.....	\$76.87
	S. S. OR MRS. S. S. DOCHERTY, refund of unclaimed bank dividends escheated to the Permanent School Fund	\$16.46
Vetoed. {	INTERNATIONAL TYPOGRAPHICAL UNION, refund of funds of the estate of William G. Evans escheated to the Permanent School Fund.....	\$1,158.10
	COMPTOMETER COMPANY, for services furnished State Auditor in previous biennium.....	\$.92
	DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, for sundry supplies and services furnished the Department of Finance, Budget and Business in previous biennium	\$430.41
	HUNT AND MOTTET COMPANY, for supplies furnished the Department of Finance, Budget and Business in previous biennium	\$16.91
	LOWMAN AND HANFORD COMPANY, for supplies furnished State Auditor in previous biennium.	\$2.00
	MILITARY DEPARTMENT, for sundry supplies and services furnished the Military Department in previous biennium	\$48.70

	Relief.
NORTHWEST OFFICE EQUIPMENT COMPANY, for supplies furnished State Auditor in previous biennium	\$1.84
SCIENTIFIC SUPPLIES COMPANY, for supplies furnished State Reformatory in previous biennium	\$10.20
DEPARTMENT OF SOCIAL SECURITY, for sundry supplies and services furnished the Department of Social Security in previous biennium.....	\$308.79
TREASURER OF ADAMS COUNTY, refund of over-payment of state taxes.....	\$36.04
TREASURER OF GRAYS HARBOR COUNTY, for delinquent taxes for the year 1933 on lands purchased by the State Forest Board.....	\$1,453.97
V. D. BRADESON, court costs in re: Clinton M. Miller vs. Department of Labor and Industries, Supreme Court No. 27476.....	\$74.70
MRS. MARIE CARSON, refund of over-payment of maintenance account of Carl A. Carson, deceased, Western State Hospital.....	\$5.14
HON. CHARLES R. DENNEY, for expenses incurred as Superior Court Judge in previous biennium	\$5.65
MARY E. ELLIS, in full settlement for death of Col. William Ellis, September 15, 1940, as a result of injuries sustained in line of duty....	\$4,000.00
EVERETT LOYD HOLLAND, in full settlement for occupational disease contracted in employment as fireman for U. S. Gypsum Company.....	\$5,000.00
O. H. LARSEN, for loss of cow incident to a test for Bang's Disease by Department of Agriculture	\$100.00
PETER H. McCUE, SR., refund of over-payment of maintenance charges for Octavia L. Scout, deceased, Northern State Hospital.....	\$23.70
RAY H. MINNICK, in full settlement of damage to fruit in process of fumigation by Department of Agriculture	\$210.76
PAUL PAULK, reimbursement for loss as County Clerk of Thurston County in connection with the failure of the Olympia National Bank....	\$750.00
SOUTH BEND GENERAL HOSPITAL, for care for Mrs. Lena Hakvist from February 19, 1940, to May 1, 1940	\$214.00
LOREN STOCKER, in full settlement for property damage on account of the destruction of fruit trees by the Department of Agriculture.....	\$1,750.00

Relief.

RICHARD TAYLOR, in full settlement for injuries and expense incurred incident to an attack by an inmate of the Western State Hospital, April 1, 1942	\$955.50
MAURICE THOMPSON, reimbursement for personal payment on bond	\$500.00
TETON WATER USERS ASSOCIATION, for water-right charges on lands owned by the State of Washington for the years 1939, 1940, 1941 and 1942	\$4,253.91
R. C. TOOMBS, reimbursement for \$5.00 counterfeit bill received in payment for Federal Food Stamps and confiscated by the United States Treasury Department	\$5.00
WASHINGTON STATE REFORMATORY AMUSEMENT FUND, to reimburse Amusement Fund for equipment paid from Amusement Fund in error	\$136.70
WASHINGTON STATE REFORMATORY INMATES' FUND, to reimburse Inmates' Fund for over-payments to inmates during the period September 9, 1929, to 1934, account of errors by inmate clerical help	\$76.48
HON. JOHN M. WILSON, for expenses incurred as Superior Court Judge in previous biennium...	\$6.40
FROM THE ACCIDENT FUND.	
CLERK OF CLALLAM COUNTY, for court costs charged in previous biennium.....	\$13.50
CLERK OF COWLITZ COUNTY, for court costs charged in previous biennium.....	\$5.00
CLERK OF PIERCE COUNTY, for court costs charged in previous biennium	\$11.25
FROM THE MEDICAL AID FUND.	
CLERK OF CLALLAM COUNTY, for court costs charged in previous biennium.....	\$13.50
CLERK OF COWLITZ COUNTY, for court costs charged in previous biennium.....	\$5.00
CLERK OF PIERCE COUNTY, for court costs charged in previous biennium	\$11.25
FROM THE ELLENSBURG NORMAL SCHOOL FUND.	
O. H. WOODY, PUBLIC PRINTER, for printing furnished the Central Washington College of Education in previous biennium.....	\$199.54
FROM THE FISHERIES FUND.	
SIMMONS BROTHERS, refund of commercial fish canner's license	\$16.00

WESTERN FOOD PRODUCTS COMPANY, refund of commercial fish canner's license.....	\$10.00	Relief.
IVERSON CANNING COMPANY, refund of commercial fishing license	\$40.00	
EMIL JOHNSON, refund of commercial fishing license	\$20.00	
J. H. LEGHORN, refund of commercial fishing license	\$5.00	
FRED MOE, refund of commercial fishing license..	\$10.00	
WILLIAM HENRY SAWYER, refund of commercial fishing license	\$7.50	
THORSEN BROTHERS, refund of commercial fishing license	\$15.00	

FROM THE GAME FUND.

HAROLD W. BOOMER, reimbursement for gun lost in connection with arrest for game law violation	\$26.50
DEPARTMENT OF GAME, for sundry supplies and services furnished the Department of Game in previous biennium	\$156.70
L. H. KANOOTH, in full settlement for damages resulting from an automobile accident near Toledo, Washington, on October 6, 1941, involving Department of Game equipment..	\$1,293.59
GROVER C. MORRIS, in full settlement for damages to automobile in collision with equipment of the Department of Game, July 15, 1940.....	\$390.00
NATIONAL SURETY CORPORATION, refund of game license fees, 1939 State Hunting and Fishing Licenses Nos. 120251 and 120260.....	\$6.00
OKANOGAN COUNTY TREASURER, for 1941 taxes on lands deceded to the State Game Department, December 4, 1940	\$87.24
NATHAN SCHUMAN, for damages to automobile incident to a collision with equipment of the State Game Department, October 24, 1941....	\$82.92

FROM THE GRAIN AND HAY INSPECTION FUND.

PACIFIC HIGHWAY TRANSPORT, for services furnished the Department of Agriculture in previous biennium	\$2.95
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FROM THE HIGHWAY SAFETY FUND.

MRS. JOHN GULDEN, for relief on account of the death of her husband, former State Patrolman John Gulden, killed in line of duty, December 23, 1942	\$5,000.00
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Relief.

CLIFFORD KYLLONEN, in full settlement for injuries received while assisting State Patrolman, November 19, 1941	\$1,000.00
WASHINGTON STATE PATROL, for sundry supplies and services furnished the Washington State Patrol in previous biennium.....	\$92.45

FROM THE MOTOR VEHICLE FUND.

MRS. ORMA ALLYN (ALEXANDER), in full settlement for damages to automobile in collision with State Highway equipment, April 27, 1940.	\$20.00
BECKER'S OCEAN RESORT, for meals furnished Wallace Kimball, August and September, 1940.	\$59.67
G. C. BERGQUIST, in full settlement for damages to automobile incurred on State Highway No. 101, near Quilcene, July 15, 1941.....	\$14.65
CAPITAL STATIONERS, INC., for supplies furnished the Department of Licenses in previous biennium	\$13.59
W. A. COE, in full settlement for damages resulting from automobile accident on State Highway near White Salmon, December 31, 1942..	\$695.00
W. J. DALBY, for damages to automobile incurred on State Highway No. 99, near Alger, February 25, 1941	\$12.70
E. L. DOUGLAS, for damages to automobile incurred on State Highway between Hoquiam and Quinalt, July 17, 1941.....	\$20.19
ESTELLE FOX, for loss of livestock caused by eating spray-poisoned weeds along highway right of way	\$80.00
GRAHAM BROS. AND MEDLEY, refund of motor vehicle fuel tax	\$100.90
DEPARTMENT OF HIGHWAYS, for sundry supplies and services furnished the Department of Highways in previous biennium.....	\$4,437.96
R. J. HOOPER, in full settlement for loss of sheep due to collapse of Long Lake Bridge, September 26, 1942.....	\$532.00
INGLEWOOD COUNTRY CLUB, refund of motor vehicle fuel tax.....	\$30.00

Vetoed. {

J. S. JOHNSON, for services as bridge operator of Lake Washington bridge, August 6, 1940, to December 1, 1940.....	\$100.00
WILLIAM O. MCKAY COMPANY, for loss sustained on account of error by Department of Licenses in recording title to automobile.....	\$130.60

	Relief.
RICHFIELD OIL CORPORATION, for supplies and services furnished Department of Highways in previous biennium	\$59.05
M. C. RIORDAN, in full settlement for damages to automobile sustained in an accident at State Highway Testing Station in South Tacoma, March 10, 1942.....	\$16.43
CLERK OF THURSTON COUNTY, for clerk's fees for services rendered Department of Highways and Toll Bridge Authority in previous biennium..	\$299.45
WALTER A. WOOD, refund of motor vehicle fuel tax	\$253.80
HARVEY N. YAGER, in full settlement for personal injuries, loss of wages and property damage suffered in an accident on State Highway near Issaquah, December 19, 1941.....	\$1,101.70

FROM THE PARKS AND PARKWAY FUND.

SKAMANIA COUNTY P. U. D. No. 1, for services furnished the State Parks Committee by Northwestern Electric Company in previous biennium	\$1.96
STATE PARKS COMMITTEE, for sundry supplies and services furnished the State Parks Committee in previous biennium.....	\$936.21

FROM THE PENITENTIARY REVOLVING FUND.

CONTINENTAL CAN COMPANY, Inc., for supplies and services furnished the Washington State Penitentiary in previous biennium.....	\$102.09
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION FUND.

E. CLEMENTS LEACH, M. D., for services rendered Volunteer Fire Department in previous biennium	\$34.00
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FROM THE GENERAL FUND.

Judgments.

FOR JUDGMENTS:

J. E. BERGIN (J. E. Bergin vs. Cliff Yelle, Supreme Court No. 28547—to validate General Fund Warrant No. 513746).....	\$3,132.25
LOWER COLUMBIA Co-OPERATIVE DAIRY ASSOCIATION (Lower Columbia Co-operative Dairy Association vs. State of Washington, Thurston County No. 19531).....	\$1,311.45
OLGA J. MCCOMBER (Olga J. Macomber vs. Crane Co., et al., Walla Walla County No. 29857)....	\$40.05
V. J. MCGILL (State ex rel. V. J. McGill, Thurston County No. 19384).....	\$22.00

Judgments.	NORTHERN PACIFIC RAILWAY COMPANY (Northern Pacific Railway Company vs. State of Washington, H. H. Henneford, et al., Thurston County No. 18667)	\$22.00
	PACIFIC TELEPHONE AND TELEGRAPH COMPANY (State of Washington vs. Pacific Telephone and Telegraph Company, Thurston County No. 18281)	\$135.65
	PENNSYLVANIA SALT MANUFACTURING COMPANY (Pennsylvania Salt Manufacturing Company vs. State of Washington, Thurston County No. 19598)	\$4,692.24
	BERTHA SANDERSON (Bertha Sanderson and Arthur C. Sanderson vs. Elizabeth L. Ahrens, Pierce County No. 86630).....	\$1,860.80
	WILLIAM SCOTT (State of Washington vs. William Scott, Pierce County No. 85728)	\$21.20

FROM THE CANNERY REVOLVING FUND.

I. R. CALLAHAN (I. R. Callahan vs. D. E. Sargent, Pierce County No. 83917).....	\$459.55
HOWARD EDRIIS (Howard Edris vs. D. E. Sargent, Pierce County No. 83548).....	\$1,256.90

FROM THE GRAIN AND HAY INSPECTION FUND.

WILLIAM BENNETT (William Bennett vs. State of Washington, Thurston County No. 19585).....	\$534.50
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FROM THE HIGHWAY SAFETY FUND.

JOHN C. KIRCH (George Cox vs. John C. Kirch, Stevens County No. 11378, Supreme Court No. 28562)	\$597.70
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FROM THE GENERAL FUND.

Department of Social Security.	FOR THE DEPARTMENT OF SOCIAL SECURITY: Deficiency, for the payment of claims filed and judgments obtained against the Department of Social Security on account of claims for salary adjustments under the minimum wage law	\$58,080.09
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Tax Commission.	FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON: For relief on account of cash shortages due to robbery and burglary: Spokane Office	\$495.52
	Vancouver Office	278.78
	Walla Walla Office.....	24.00
	Total	\$798.30

FRANK PATTON, refund of payment for certain Shore Lands for which the State could not give title.....	\$291.84	
FOR THE STATE PLANNING COUNCIL:		Planning Council.
Research in connection with furthering development of industry and agriculture within the State of Washington	\$150,000.00	
<i>(Provided, That expenditures on this appropriation shall be limited to amounts allocated by the Governor.)</i>		
FOR THE BOARD OF STATE LAND COMMISSIONERS:		Board of Land Commissioners.
Salaries and Wages.....	\$55,200.00	
Operations	25,030.00	
Total	<hr/>	\$80,230.00
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Salaries and Wages.....	\$32,400.00	
Operations	12,075.00	
Total	<hr/>	\$44,475.00
FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:		Board for Vocational Education.
Division of Public Service:		
For fire prevention training program in wheat districts		
Salaries and Wages.....	\$3,000.00	
To carry out the provisions of House Joint Resolution No. 20.....	\$7,200.00	
FOR THE SUPREME COURT:		Supreme Court.
Salaries and Wages.....	\$1,050.00	
FOR THE PUBLIC PRINTER OF THE STATE OF WASHINGTON:		Public Printer.
To increase working capital in the Printing Plant Revolving Fund:		
<i>Provided, That the sums advanced hereunder shall be redeposited in the General Fund of the State Treasury on or before December 31, 1943.</i>	\$15,000.00	
FOR THE LADIES OF THE GRAND ARMY OF THE REPUBLIC HOME at Puyallup, Washington (payable quarterly)	\$1,000.00	Ladies of the Grand Army of the Republic.
FOR TRANSFER TO THE PENITENTIARY REVOLVING FUND:		Penitentiary Revolving Fund.
<i>Provided, That payments hereunder shall be made from time to time and in such amounts as the Governor shall determine.</i>	\$100,000.00	

Department of Finance, Budget and Business.

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Washington Veterans' Home:		
Repairs and extensions to water system including installation of 50,000 gallon tank complete with connection	\$10,000.00	
Western State Hospital:		
Ward building and equipment....	280,000.00	
Total		\$290,000.00
(Being the reappropriation of the unexpended balances of appropriations made for like purposes by chapter 234, Laws of 1941)		

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Western State Hospital:		
Erection and equipping of men's ward building	\$25,000.00	
Washington State Reformatory:		
For payment of inmates as provided by section 4, chapter 220, Laws of 1939	8,000.00	
Total		\$33,000.00

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Eastern State Custodial School:		
Fire fighting equipment.....	\$7,500.00	
Farm buildings and equipment..	11,000.00	
Total		\$18,500.00
Eastern State Hospital:		
Farm buildings and equipment.....		\$20,300.00
Northern State Hospital:		
Fire fighting equipment.....	\$7,500.00	
Farm buildings and equipment..	8,000.00	
Total		\$15,500.00
Washington State Penitentiary:		
Fire fighting equipment	\$7,500.00	
Farm buildings and equipment..	18,000.00	
Total		\$25,500.00
Washington State Reformatory:		
Fire fighting equipment.....		\$7,500.00
State Training School:		
Farm buildings and equipment.....		\$1,200.00
Washington Veterans' Home:		
Pump and equipment.....		\$2,500.00
Western State Custodial School:		
Farm buildings and equipment.....		\$6,000.00

Western State Hospital:		Department of Finance, Budget and Business.
Fire fighting equipment.....	\$7,500.00	
Farm buildings and equipment..	13,000.00	
Total	\$20,500.00	

FROM THE REFORMATORY REVOLVING FUND.

Washington State Reformatory:		Local improvement assessments.
Farm buildings and equipment.....	\$4,400.00	

FROM THE FISHERIES FUND.

To carry out the provisions of Senate Joint Resolution No. 5.....		\$4,500.00
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FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

Sundry Municipalities, for Local Improvement Assessments against State-owned lands as follows: *Provided*, That the payments for local improvement assessments from the following appropriations shall be made only in accordance with the terms and provisions of section 8129, Remington's Revised Statutes.

FOR THE TREASURER OF ADAMS COUNTY:

East Columbia Basin Irrigation District	\$9.86
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FOR THE TREASURER OF BENTON COUNTY:

Priest Rapids Irrigation District.	\$3,449.22	
Sunnyside Irrigation District....	1,999.06	
Total	\$5,448.28	

FOR THE TREASURER OF COWLITZ COUNTY:

General Taxes Sec. 27, Twp. 7N, Range 1W	\$21.61	
Cowlitz County Sewerage Dis- trict No. 16.....	272.50	
Consolidated Diking District No. 1	35.70	
Cowlitz County Diking District No. 2	112.88	
Cowlitz County Diking District No. 5	29.38	
Cowlitz County Diking District No. 15	647.15	
Total	\$1,119.22	

FOR THE TREASURER OF GRANT COUNTY:

East Columbia Basin Irrigation District	\$39.99	
Quincy - Columbia Basin Irriga- tion District	22.20	
Total	\$62.19	

Local improvement assessments.

FOR THE TREASURER OF GRAYS HARBOR COUNTY:		
Drainage District No. 4.....		\$591.71
FOR THE TREASURER OF KING COUNTY:		
General Taxes Lots 23, 24 and 25 of C. D. Hillman's Pacific City Addition	\$2.39	
King County Drainage District No. 5-A55	
Commercial Waterway District No. 172	
Commercial Waterway District No. 2	9.92	
Total	<hr/>	\$13.58
FOR THE TREASURER OF KITTITAS COUNTY:		
Kittitas County Reclamation District		\$1,179.20
FOR THE TREASURER OF KLICKITAT COUNTY:		
Klickitat County White Salmon Irrigation District		\$60.00
FOR THE TREASURER OF OKANOGAN COUNTY:		
Okanogan Whitestone Reclamation District		\$3,185.00
FOR THE TREASURER OF PEND OREILLE COUNTY:		
Pend Oreille County Diking District No. 2.....		\$37.50
FOR THE TREASURER OF SKAGIT COUNTY:		
Skagit County Diking District No. 5	\$11.64	
Skagit County Drainage District No. 14	337.71	
Skagit County Diking District No. 15	178.65	
Skagit County Drainage District No. 15	34.02	
Total	<hr/>	\$562.62
FOR THE TREASURER OF SNOHOMISH COUNTY:		
Snohomish County Diking District No. 5		\$224.77

		Local improvement assessments.
FOR THE TREASURER OF WAHKIAKUM COUNTY:		
Wahkiakum County Diking District No. 1.....		\$352.94
FOR THE TREASURER OF WALLA WALLA COUNTY:		
Walla Walla County South Columbia Basin Irrigation District No. 15		\$3.20
FOR THE TREASURER OF YAKIMA COUNTY:		
Yakima County Drainage District No. 41.....	\$.52	
Yakima County Drainage District No. 13.....	2.40	
Total		\$2.92
FOR THE TREASURER OF THE CITY OF HOQUIAM:		
Local Improvement District No. 437		\$382.06
FOR THE TREASURER OF THE CITY OF PORT ORCHARD:		
Local Improvement District No. 48	\$72.80	
Local Improvement District No. 48	131.04	
Total		\$203.84
FOR THE TREASURER OF THE CITY OF SEATTLE:		
Local Improvement District No. 3240	\$6.81	
Local Improvement District No. 3709	19.94	
Local Improvement District No. 4092	58.43	
Local Improvement District No. 5282	76.11	
Local Improvement District No. 5512	2,037.01	
Local Improvement District No. 5531	2,017.35	
Total		\$4,215.65
FOR THE TREASURER OF THE CITY OF SPOKANE:		
Local Improvement District No. 1695	\$60.72	
Local Improvement District No. 2097	151.91	
Local Improvement District No. 2616	81.82	

Local improvement assessments.

Local Improvement District No.		
2672	\$116.03	
Total	_____	\$410.48
FOR THE TREASURER OF THE CITY OF WALLA WALLA:		
Local Improvement District No.		
389		\$903.64
FROM THE GAME FUND.		
FOR THE TREASURER OF KITTITAS COUNTY:		
Kittitas County—Kittitas Rec-		
lamation District		\$24.60
FROM THE MOTOR VEHICLE FUND.		
FOR THE TREASURER OF COWLITZ COUNTY:		
General Taxes Lots 1, 2 and 3,		
Block 4, Barnes Clear View		
Heights Addition to Kelso....	\$9.31	
Sewerage District No. 16.....	59.67	
Diking District No. 11.....	229.07	
Total	_____	\$298.05
FOR THE TREASURER OF KING COUNTY:		
Commercial Waterway District		
No. 1		\$4.20
FOR THE TREASURER OF PIERCE COUNTY:		
Drainage District No. 23.....		\$.94
FOR THE TREASURER OF SNOHOMISH COUNTY:		
Alderwood Water District No. 2.....		\$95.30
FOR THE TREASURER OF THURSTON COUNTY:		
Drainage District No. 8.....		\$74.29
FOR THE TREASURER OF WALLA WALLA COUNTY:		
South Columbia Basin Irrigation		
District No. 15.....		\$ 51
FOR THE TREASURER OF YAKIMA COUNTY:		
Drainage District No. 3.....	\$692.00	
Drainage District No. 3, Sub-District No. 2.....	30.90	
Drainage District No. 3, Sub-District No. 7.....	118.36	
Drainage District No. 25.....	57.28	
Sunnyside Valley Irrigation District	81.81	
Total	_____	\$980.35
FOR THE TREASURER OF THE TOWN OF ISSAQUAH:		
Local Improvement District No. 6.....		\$121.16

FOR THE TREASURER OF THE CITY OF
PORT ORCHARD:

Local
improvement
assessments.

Local Improvement District No. 48 \$131 04

FROM THE PARKS AND PARKWAYS FUND.

FOR THE TREASURER OF GRAYS HAR-
BOR COUNTY:

Drainage District No. 1..... \$10.83

FOR THE TREASURER OF KING COUNTY:

Water District No. 56..... \$1,000.00

FOR THE TREASURER OF WHATCOM COUNTY:

General Taxes Sec. 19, Twp. 37,
Range 3E and Sec. 31, Twp. 37,
Range 3E \$31 57

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE TREASURER OF THE CITY OF
PULLMAN:

Local Improvement District No. 65 \$18,545.64

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

Effective
immediately.

Passed the Senate March 6, 1943.

Passed the House March 10, 1943.

Approved by the Governor March 23, 1943, with the exception of certain items which are vetoed.

AUTHENTICATION

I, Belle Reeves, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Twenty-eighth Legislative Session of the State of Washington, held from January 11, 1943, until March 11, 1943, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 15th day of April, 1943.

BELLE REEVES,
Secretary of State.



**JOINT AND CONCURRENT RESOLUTIONS AND
MEMORIALS OF THE SENATE AND HOUSE**

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT REOLUTION NO. 1.

Relating to the pledging of every resource to our President in the battle to preserve our country and the principles of democracy everywhere.

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

WHEREAS, Since our last assembling our country and most of the free peoples of the world have been drawn into a life and death struggle with the totalitarian powers who are seeking to destroy our Christian civilization and way of life,

Now, Therefore, Be It Resolved, That we pledge our every resource to our President in the battle to preserve our country and the principles of democracy everywhere, and we call upon our representatives in Congress, regardless of party, to support him to the utmost in his leadership in our war effort and those of our valiant allies in their struggle against the unholy aggressor nations who are violating international law and shocking the conscience of mankind; and

Be It Further Resolved, That we urge that this war be waged until the dictators are completely overthrown and that no negotiated peace short of such complete overthrow be entertained;

And, Be It Further Resolved, That a copy of this resolution be immediately transmitted to the Honorable President, Franklin D. Roosevelt, the Secretary of the United States Senate and Clerk of the United States House of Representatives, and to all members of the Senate and the House of Representatives of the United States from the State of Washington.

Passed the Senate January 19, 1943.

Passed the House January 20, 1943.

SENATE JOINT RESOLUTION NO. 5.

Relating to the appointment of three (3) Senate members and three (3) House members to serve as a committee to continue the investigation of existing conditions affecting the Columbia River fisheries.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The Twenty-seventh Session of the Legislature of the State of Washington appointed and empowered three (3) Senate members and three (3) House members to serve as a committee to investigate, with a similar committee from the State of Oregon, and with a similar committee from the State of Idaho, the existing conditions affecting the Columbia River fisheries and to make a mutual report including therein recommendations for consideration of the 1943 Legislative Sessions of the respective states; and

WHEREAS, The Committee so appointed by the Twenty-seventh Session of the Legislature of the State of Washington did meet with similar committees from the states of Oregon and Idaho, and did investigate the Columbia River fisheries; and

WHEREAS, The investigation conducted by said committee disclosed that the salmon and steelhead runs of the Columbia River have been seriously depleted and are continuing to decline at an alarming rate; that the depletion of Chinook salmon on the Columbia River is now resulting in an annual loss of three million three hundred seventy-five thousand dollars (\$3,375,000) to the fishermen of Washington and Oregon, and that the depletion of other salmon and steelhead runs greatly augments this loss; and

WHEREAS, The investigation to date indicates that by further investigation and study of the complicated causes of the depletion of the salmon and steelhead runs in the Columbia River and with the mutual effort of the states

of Oregon, Idaho and Washington said depletion can be avoided; and

WHEREAS, The need for correction is urgent;

Now, Therefore, Be It Resolved By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, that the President of the Senate be, and he is hereby empowered and directed to appoint three (3) Senate members, and the Speaker of the House of Representatives be, and he is hereby empowered and directed to appoint three (3) members to serve as a committee to continue the investigation, with a similar committee from the State of Oregon and a similar committee from the State of Idaho, of the Columbia River fisheries, having in mind the depletion of the salmon and steelhead runs, the causes thereof and the possible methods of preventing said depletion; and

Be It Further Resolved, That the committee so appointed be, and they are hereby authorized and empowered to negotiate with the similar committees from the states of Oregon and Idaho to the end that some method for mutual control of the Columbia River fisheries may be agreed upon; and

Be It Further Resolved, That the members so appointed shall be entitled to their actual traveling expenses, including lodging and subsistence, while absent from their usual place of residence, in the service of the state, in attendance at meetings of the committee, and for traveling to and from such meetings, the same to be paid upon their individual vouchers, from any sums of money appropriated for the expense of this Twenty-eighth Session of the Legislature: *Provided*, That the total amount of money expended by this committee for its traveling, lodging, and subsistence expenses in carrying out its duties under this Resolution, shall not exceed the sum of two thousand five hundred dollars (\$2,500); and

Be It Further Resolved, That this Twenty-eighth Session of the Legislature of the State of Washington, pay

from any sum of money appropriated for the expense of this Twenty-eighth Session of the Legislature, to the Attorney General of the State of Washington, the necessary legal expense incidental to advising the committee on the various legal problems which may confront them and for the purpose of preparing a tri-state compact agreement to be submitted to the similar committees appointed from the states of Oregon and Idaho: *Provided*, That in no event such expenditures shall exceed the sum of two thousand dollars (\$2,000); and

Be It Further Resolved, That the committee so appointed make a report on their proceedings, including therein recommendations for consideration by the 1945 legislative sessions of the respective states.

Passed the Senate February 27, 1943.

Passed the House March 4, 1943.

SENATE JOINT MEMORIAL NO. 2.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Senate and House of Representatives of the United States, in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, The present method of collecting Federal income taxes, under which method the taxpayer is obliged to make provision for payment of such taxes during the succeeding year is especially burdensome to those taxpayers who earn salaries or wages; and

WHEREAS, Such taxpayers are generally now employed at good wages and are well able to pay income taxes out of their current income; and

WHEREAS, Many of such taxpayers are persons of uncertain residence and will be of uncertain employment in the event that war activities cease; and

WHEREAS, The collection of income taxes on the pay-as-you-go basis should result in increased revenue to the United States;

Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States speedily pass the necessary legislation to put into effect some plan of collecting income taxes so that such taxes may be collected on salaries and wages each month and as the taxpayer is actually earning his salary and wages; and

Be It Resolved, That copies of this memorial be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Congress from the State of Washington.

Passed the Senate January 25, 1943.

Passed the House March 9, 1943.

SENATE JOINT MEMORIAL NO. 5.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Honorable Senate and the House of Representatives of the United States, in Congress Assembled:

WHEREAS, There is now pending before the Congress of the United States, a bill for an act providing for the acquisition by the United States of the interstate bridge, including the approaches thereto, across the Columbia River between Longview, Washington, and Rainier, Oregon, and for the maintenance and operation of said bridge after such acquisition free of tolls; and

WHEREAS, The Senate of the State of Washington, the House concurring, recognizes the inestimable benefits to the States of Washington and Oregon and to the com-

munities involved by such acquisition and maintenance and operation of said bridge free of tolls; and

WHEREAS, There are two other bridges which cross the Columbia River between the states of Washington and Oregon, namely, a bridge between White Salmon, Washington, and Hood River, Oregon, and a bridge between Stevenson, Washington, and Cascade Locks, Oregon; and

WHEREAS, It is the belief of the Senate of the State of Washington, the House concurring, that each and both of said bridges should also be acquired, together with their approaches, by the United States and maintained and operated after such acquisition free of tolls;

Now, Therefore, Be It Resolved, That we, the Senate and House of Representatives of the State of Washington, do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States, to enact and approve at the earliest practicable moment, the pending legislation so providing for the acquisition of the bridge across the Columbia River between Longview, Washington, and Rainier, Oregon, and for the maintenance and operation of the same after such acquisition free of tolls; and

Be It Further Resolved, That we, the Senate and House of Representatives of the State of Washington, do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause to be enacted into law, suitable legislation for the acquisition of the two bridges across the Columbia River, one bridge between White Salmon, Washington, and Hood River, Oregon, and the other between Stevenson, Washington, and Cascade Locks, Oregon, and for the maintenance and operation of said two bridges after such acquisition free of tolls; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, and to the Secretary of the Senate of the United States, and to the

Clerk of the House of Representatives of the United States, and to all members of the Senate and House of Representatives of the United States from the State of Washington.

Passed the Senate February 26, 1943.

Passed the House March 10, 1943.

SENATE JOINT MEMORIAL NO. 6.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Senate and House of Representatives of the United States, in Congress Assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your Excellency and Honorable Bodies, as follows:

WHEREAS, The Federal Government through the building of the Bonneville Dam, and the construction of numerous aids to navigation has expended millions of dollars upon the interstate portion of the Columbia River and has provided the opportunity for vast industrial development in this area; and

WHEREAS, The states of Washington and Oregon have likewise made large expenditures of public funds to develop fish life and other natural resources along this river and to make more available to the public the natural beauty of this region; and

WHEREAS, Properly supervised, this interstate portion of the Columbia River will become a region of great recreational and scenic value and an area of orderly industrial development for the benefit of the general public; and

WHEREAS, The special interest of any individual or group of individuals should not be permitted to cause pollution of the waters of the Columbia River and its

tributaries in this area, or damage the fish life therein; and

WHEREAS, We are reliably informed that the Senate and House of Representatives of the State of Oregon, in legislative session assembled, intend to adopt a similar memorial to be sent to your Excellency and Honorable Bodies:

Now, Therefore, We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, urge that the Congress immediately enact appropriate legislation affecting the interstate portion of the Columbia River and its tributaries in this area, to control pollution from war industries, military establishments, housing projects and other sources of contamination, either bacterial or chemical, so that the public may enjoy the full use of these waters for domestic, industrial and recreational purposes and that fish life therein be perpetuated; and

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Franklin D. Roosevelt, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Congress from the states of Washington and Oregon.

Passed the Senate February 27, 1943.

Passed the House March 9, 1943.

HOUSE JOINT MEMORIAL NO. 3.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Honorable Harold L. Ickes, Secretary of the Interior:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition Your Excellencies as follows:

WHEREAS, An appropriation of approximately five hundred thousand dollars (\$500,000) has been made for an electro-metallurgical laboratory to serve the mining interests of the Pacific Northwest, the location of which is now under consideration by the Department of the Interior; and

WHEREAS, The State of Washington has an important and long established mining industry and also is centrally located with respect to the adjacent mining states of Oregon, Idaho and Montana; and

WHEREAS, The State of Washington has large developed and undeveloped resources of the more usual ores of copper, lead and zinc; and

WHEREAS, It also has large and most varied resources of the particular strategic minerals and ores for the investigation of which this laboratory is designed, including: high-alumina clays for aluminum, magnesite for magnesium, antimony, molybdenum, iron, manganese, tungsten, nickel and others; and

WHEREAS, Abundant power is available from Bonneville and Grand Coulee; and

WHEREAS, Sites for the laboratory are available immediately adjacent to power substations on transcontinental railroads and near tidewater; and

WHEREAS, Housing facilities are available in addition to the other advantages indicated at several specific sites,

Now, Therefore, Because the State of Washington possesses the requisite advantages for the proposed elec-

tro-metallurgical laboratory, we, the Senate and House of Representatives of the State of Washington, do hereby respectfully memorialize and petition the President of the United States and the Secretary of the Department of the Interior to immediately locate this electro-metallurgical laboratory within the State of Washington; and

Be It Resolved, That copies of this memorial be immediately transmitted to the President of the United States and to the Secretary of the Department of the Interior of the United States and to each Senator and Representative in Congress from the State of Washington.

Passed the House January 18, 1943.

Passed the Senate January 19, 1943.

HOUSE JOINT MEMORIAL NO. 11.

To the Honorable Senate and the House of Representatives of the United States in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition your Honorable Bodies as follows:

WHEREAS, The national emergency has brought about the necessity for new and additional tax levies; and

WHEREAS, The formation of new Federal tax policies is in many instances threatening the very existence of local governmental units whose continued functioning is essential in this national emergency and in the return to normal economic conditions thereafter; and

WHEREAS, No real satisfactory tax reform can be achieved without readjusting the Federal, State and local fiscal relationships; and

WHEREAS, An agency created by Congress would be best fitted to study tax structures and make recommendations; and

WHEREAS, In the 78th Congress, the Honorable John M. Coffee, Congressman from the Sixth Washington Congressional District introduced House Joint Resolution 56, by the terms of which there is proposed a Federal Commission on Tax Integration, for the purpose hereinbefore set forth;

Now, Therefore, Be It Resolved, That, we, the Senate and the House of Representatives of the State of Washington do hereby respectfully memorialize and petition the Congress of the United States to cause to be enacted proper legislation, creating a Federal agency to study tax structures to the end that inequitable burdens be avoided and the financial stability of the various local governmental units assured;

Be It Further Resolved, That copies of this memorial be immediately transmitted to the Senate and the House of Representatives of the United States and to each Senator and Representative in Congress from the State of Washington.

Passed the House March 4, 1943.

Passed the Senate March 10, 1943.

HOUSE JOINT MEMORIAL NO. 15.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Senate and the House of Representatives of the United States, in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your Excellency and Honorable Bodies as follows:

WHEREAS, The production of an adequate supply of synthetic rubber to meet military and civilian needs is vital to the successful prosecution of the war and to

the people of the United States and of the State of Washington, and

WHEREAS, The production of synthetic rubber has been greatly delayed by concentration of petroleum base methods of production, which concentration has been fostered by agents of the oil industry who are desirous of establishing a monopoly in the synthetic rubber industry in post-war years;

Now, Therefore, Be It Resolved, That we, the Senate and the House of Representatives of the State of Washington do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to do all in their power to facilitate the immediate construction of plants designed to produce butadiene from farm and forest products, and

Be It Further Resolved, That we express our approbation of the efforts of Rubber Coordinator William M. Jeffers to break the bottlenecks in our synthetic rubber program, and urge that all government agencies extend to him their full support, and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the President of the United States and to the Senate and the House of Representatives of the United States and to each Senator and Representative in Congress from the State of Washington.

Passed the House March 1, 1943.

Passed the Senate March 2, 1943.

HOUSE JOINT MEMORIAL NO. 16.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Honorable Senate and the House of Representatives of the United States in Congress Assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Washington, in legislative session assembled, most respectfully represent and petition your Excellency and Honorable Bodies as follows:

WHEREAS, The War Production Board is a body of far-reaching importance; and

WHEREAS, There are located in the industrial centers of the Pacific Northwest many war activities employing thousands of workers engaged in such war activity; and

WHEREAS, There is great need that the War Production Board establish a regional Board in the Pacific Northwest, for the transaction of such business as might arise in said territory; and

WHEREAS, The City of Seattle is the metropolis of the State of Washington and is the center of large war activities totalling more than two billion dollars (\$2,000,000,000) of contracts and is the logical place at which a regional office of the War Production Board should be established;

Now, Therefore, Be It Resolved, That we, the House of Representatives and the Senate of the State of Washington do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause to be established a regional office of the War Production Board in the City of Seattle, Washington, as speedily as possible; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the President of the United States and to the Senate and the House of Representa-

tives of the United States and to each Senator and Representative in Congress from the State of Washington.

Passed the House March 3, 1943.

Passed the Senate March 9, 1943.

HOUSE JOINT RESOLUTION NO. 1.

Be It Resolved By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday of November, 1944, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to Article VII of the State Constitution, to be added thereto as section 2 thereof, which shall read as follows:

Section 2. Except as hereinafter provided and notwithstanding any other provision of this constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of

the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided*, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and *Provided further*, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for

the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three (3) months next preceding the election, in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House January 28, 1943.

Passed the Senate March 8, 1943.

HOUSE JOINT RESOLUTION NO. 4.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1944, there shall be submitted to the qualified voters of this state for their adoption and approval or rejection an amendment to Article II of the Constitution of the State of Washington, by adding thereto a new section to be known as section 40 to read as follows:

Section 40. All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:

(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;

(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;

(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;

(d) Refunds authorized by law for taxes paid on motor vehicle fuels;

(e) The cost of collection of any revenues described in this section:

Provided, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles.

Be It Further Resolved, The Secretary of State shall cause the foregoing proposed amendment to be published for at least three (3) months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House March 8, 1943.

Passed by the Senate March 8, 1943.

HOUSE JOINT RESOLUTION NO. 7.

Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in legislative session assembled:

WHEREAS, The 77th Congress of the United States of America, by Public Law No. 194 of its first session, has granted retrocession of jurisdiction over certain lands, premises and rights-of-way within the Vancouver Barracks Military Reservation, Washington, conditioned upon the acceptance thereof by the State of Washington, by legislative action; and

WHEREAS, It is desirable that such retrocession of jurisdiction be accepted;

Now, Therefore, Be It Resolved, That the State of Washington hereby accepts from the United States of America retrocession of jurisdiction over such lands, premises and rights-of-way within the Vancouver Barracks Military Reservation, Washington, which are more particularly described in a grant executed by authority of the Secretary of War of the United States of America, pursuant to an act of the 77th Congress in its first session known as Public Law No. 194 thereof, and approved July 30, 1941; said grant having been filed in the office of the county auditor of Clark County, Washington, under Auditor's File Number F1564, on the 13th day of February, 1943; and

Be It Further Resolved, That the Secretary of State cause to be mailed by registered mail, to the Secretary of War of the United States of America, a duly authenticated copy of this resolution; and

Be It Further Resolved, That the Secretary of State cause to be mailed by registered mail, to the County Auditor of Clark County, Washington, a duly authenticated copy of this resolution; and

Be It Further Resolved, That the County Auditor of Clark County, Washington, be and he hereby is, authorized and directed to file and to record both said resolu-

tion and said grant in the Book of Deeds in his office and index the same, naming the United States of America as grantor and the City of Vancouver as grantee.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

HOUSE JOINT RESOLUTION NO. 11.

Be It Resolved, By the House of Representatives and Senate of the State of Washington, in legislative session assembled:

WHEREAS, It is the established policy of the State of Washington, since statehood, supported by law and custom, that the waters within the state belong to the public under the control and jurisdiction of the state, and

WHEREAS, In the State of Washington rights to the use of water of immense importance have been acquired under this policy and in accordance with state laws, and

WHEREAS, Differences of opinion recently have arisen regarding the respective rights and powers of the Federal and state governments to control and administer the use of waters within the several states, with the result that doubt is cast upon the authority of this state to exercise control over such use, and the stability of existing property rights and the future development of the water resources of this state are threatened, and

WHEREAS, In order to remove all causes, present and future, which might lead to litigation, the welfare of this state requires full cooperation among the states in the use of water, and the promotion of joint action by the states and the United States in the efficient use of water and the control of flood waters to the end that litigation be avoided and the use and control of water be continued in the manner and under the laws as heretofore exercised.

Now, Therefore, Be It Resolved, By the Senate and House of Representatives in session assembled that it is

the policy of the State of Washington to maintain its jurisdiction and control over the rights to the use of the waters in this state, and to protect such rights as have been established under the laws thereof, and that constituted authorities of this state take such action as may be necessary to resist attempts to invade the rights of this state in the control of the waters of the state.

Be It Further Resolved, That copies of this resolution be immediately transmitted to all members of the Senate and House of Representatives of the United States from the State of Washington.

Passed the House February 25, 1943.

Passed the Senate March 10, 1943.

HOUSE JOINT RESOLUTION NO. 20.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

That the Lieutenant Governor of the State of Washington be, and he hereby is, authorized and directed to make a study of the problems concerning the advertising of this state and of the natural resources, products and enterprises thereof. As a part of such study he shall include a consideration of the activities, programs and accomplishments of all agencies, officers or agents of the State of Washington which now are or have been engaged in such advertising. He shall also consider the possibility and desirability of changes in existing legislation and advertising programs, of expansion or contraction of such programs, and of extension to other fields of advertising activity. He is further directed to report his findings, conclusions and recommendations to the 1945 legislature.

Be It Further Resolved, That the Lieutenant Governor shall be compensated for services hereunder in such amount as shall be appropriated therefor, payments to

be made in equal monthly installments upon vouchers signed by the Lieutenant Governor.

Passed the House March 3, 1943.

Passed the Senate March 5, 1943.

HOUSE JOINT RESOLUTION NO. 25.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The State of Washington from the year 1933 to date has received the benefits from the expenditure of large amounts of Federal funds through the Works Progress Administration, Civilian Conservation Corps, National Youth Administration and the development of the Coulee and Bonneville Dams and many other Federal programs; and

WHEREAS, All of these programs have contributed immensely to the welfare, happiness and well-being of the citizens of this state; and

WHEREAS, These programs have done much to add to the peace and security of the State during this period of war by providing forest protection, air ports, improvements to schools, Army and Navy improvements, and many other worthwhile and beneficial programs;

Now, Therefore, Be It Resolved, That the citizens of this Commonwealth do hereby commend the efforts of our President and members of Congress for their foresight in sponsoring these programs; and

Be It Further Resolved, That we take this means of acknowledging and thanking the President of the United States and the members of Congress for the fair and liberal consideration given the State of Washington from the year 1933 to date; and

Be It Further Resolved, That a copy of this Resolution be immediately sent to the Honorable Franklin D.

Roosevelt, President of the United States, the Secretary of the Senate of the United States, and the Clerk of the House of Representatives of the United States, and to all members of the Senate and the House of Representatives of the United States from the State of Washington.

Passed the House March 1, 1943.

Passed the Senate March 2, 1943.

HOUSE CONCURRENT RESOLUTION NO. 5.

Resolved, By the House, the Senate concurring, that the Chief Clerk of the House, and the Secretary of the Senate, be authorized and directed to cause to be printed one thousand (1000) copies of the Legislative Manual for the session of 1943, said manual to be published on a page 6 x 3¾ inches, printed 17 ems pica wide; the joint rules, House and Senate rules to be set in eight-point leaded and the remainder to be set in six-point solid, with head notes only; the said Chief Clerk and Secretary be authorized and instructed to cause a sufficient number of said manuals to be bound in limp leather with thumb index, to supply all members of the House of Representatives and the Senate, the assistant clerks of said houses, and elective state officers; the remainder of the total edition of one thousand (1000) copies to be in cloth binding.

Adopted by the House February 8, 1943.

Adopted by the Senate February 9, 1943.

**Initiative and Referendum Measures Filed With the
Secretary of State and the Disposition Thereof**

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Filed January 2, 1914. Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Filed January 3, 1914. Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Filed January 8, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Filed January 30, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour Law)—Filed February 10, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—Filed May 15, 1914. No petition filed.

- INITIATIVE MEASURE NO. 16 (Reapportionment)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Filed December 14, 1914. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—Filed February 8, 1918. No petition filed.

- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)
—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—
Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)
—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)
—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)
—Filed January 18, 1922. Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)
—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)
—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)
—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—
Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—
Filed January 15, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Filed February 21, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—
Filed April 2, 1924. No petition filed.

- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Filed April 8, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State Commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (Re-districting state for legislative purposes)—Filed April 24, 1930. Re filed as Initiative Measure No. 57 (q. v.).
- INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Filed April 25, 1930. Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40-Mills)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.

- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (Catching of Fish)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)—Filed February 1, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—Filed March 21, 1934. No petition filed.

- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)—Filed May 18, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (40-Mill Tax Limit)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (Tax on Gasoline)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (Relating to Gill Nets)—Filed March 3, 1936. No petition filed.

- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on Gasoline)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (40-Mill Tax Limit)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of Sick to Hospitals)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for Crippled and Blind)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of Sick to Hospitals)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing Compulsory Military Training)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on Gasoline)—Filed April 15, 1936. No petition filed.
- INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)—Filed April 21, 1936. Submitted to the people November 3, 1936; passed.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (Production for Use)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (Bee. on Sunday)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (Business and Occupation Tax)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (Distribution of Highway Funds)—Filed February 9, 1938. No petition filed.

- INITIATIVE MEASURE NO. 125 (Tax on Intoxicating Liquors)—
Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (Non-Partisan School Election)—
Filed February 24, 1938. Submitted to the people November 8,
1938; passed.
- INITIATIVE MEASURE NO. 127 (Distribution of Highway Funds)—
Filed March 1, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (Civil Service)—Filed March 14,
1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)—Filed March
18, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 130 (Regulation of Labor Disputes)—
Filed April 6, 1938. Submitted to the people November 8, 1938;
failed to pass.
- INITIATIVE MEASURE NO. 131 (Civil Service)—Filed April 7,
1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (Old Age Assistance)—Filed April
12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (Relating to Licensing Gambling)—
Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (Old Age Assistance)—Filed April
19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (40-Mill Tax Limit)—Filed May
14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (Relating to Retail Beer and Wine
Licenses)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (Relating to Gambling)—Filed
June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (Relating to Gambling)—Filed
June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January
5, 1940. Submitted to the people November 5, 1940; failed to pass.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January
9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January
11, 1940. Submitted to the people November 5, 1940; passed.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January
16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and
Oil)—Filed February 2, 1940. No petition filed.

- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Reiled as Initiative Measure No. 147 (q. v.).
- INITIATIVE MEASURE NO. 145 (Government Re-organization)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-subversive Activities)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)—Filed January 3, 1942. Submitted to the people November 3, 1942; failed to pass.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Re-constitution of Board of State Land Commissioners)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)—Filed April 28, 1942. No petition filed.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Filed March 11, 1913. Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Filed March 25, 1913. Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Filed March 18, 1915. Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Filed March 18, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition; failed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws 1921, Primary Nominations and Registration)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.

- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people November 6, 1934; passed.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people November 3, 1942; passed.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws 1941, Providing for Legal Advisor for Grand Juries)—Filed April 16, 1941. Submitted to the people November 3, 1942; failed to pass.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws 1941, Prosecuting 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.

INITIATIVE MEASURES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)—Filed October 25, 1928. Submitted to the people November 4, 1930; passed.
- INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)—Filed August 21, 1934. Passed by the Legislature February 21, 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)—Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.

- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)—Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)—Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8 (q. v.).
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Re-apportionment of State Legislative Districts)—Filed July 8, 1942. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Referendum petition (Ref. No. 25) now being circulated to place measure on 1944 General Election ballot.

REFERENDUM BILLS

- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people November 3, 1936; failed to pass.
- REFERENDUM BILL NO. 5 (Chapter 83, Laws 1939, 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people November 5, 1940; passed.
- REFERENDUM BILL NO. 6 (Chapter 176, Laws 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people November 3, 1942; passed.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: Harbors and Harbor Areas. Adopted November, 1932.
- No. 16. To Section 11, Article XII. Re: Double Liability of Stockholders. Adopted November, 1940.

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