

provided under section 6155-10, Remington's Revised Statutes as herein amended.

Passed the House March 5, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 158.

[H. B. 510.]

CORPORATIONS OPERATING UNDER SUPERVISION OF PUBLIC SERVICE DEPARTMENT.

AN ACT relating to fees to be paid by persons, firms and corporations subject to regulation by the department of public service and repealing section 1 of chapter 113 of the Session Laws of 1921 as amended by section 1 of chapter 107 of the Session Laws of 1923 as amended by section 1 of chapter 107 of the Session Laws of 1929 and section 2 of chapter 248 of the Session Laws of 1927 and chapter 108 of the Session Laws of 1929 and section 11 of chapter 154 of the Session Laws of 1933 and declaring that this act shall take effect immediately.

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

Public utility
companies,
statement
and payment
of fees.

Exceptions.

SECTION 1. Every person, firm or corporation subject to regulation by the department of public service, except auto transportation companies operating under the provisions of chapter 111 of the Laws of 1921 as amended, steamboat companies operating under the provisions of chapter 248 of the Laws of 1927, wharfingers or warehousemen, motor freight carriers operating under the provisions of chapter 184 of the Laws of 1935, and storage warehousemen operating under the provisions of chapter 154 of the Laws of 1933, shall, on or before the first day of April of 1937 and of each year thereafter, file with the department a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the department a fee equivalent to 1/10 of one per cent of the first \$50,000.00 of such

gross operating revenue, plus $\frac{2}{10}$ of one per cent of any such gross operating revenue in excess of \$50,000.00: *Provided*, That the fee so paid shall in no case be less than one dollar. The percentage rates of gross operating revenue to be paid in any year as herein provided may be decreased by the department for any or each class of persons, firms and corporations subject to the payment of such fees, by general order entered before March first of such year, and for such purpose such persons, firms and corporations shall be classified as follows: Electric companies, gas companies, water companies, telephone companies, telegraph companies, steam heating companies and irrigation companies shall constitute Class One; and railroad companies, electric railroad companies, express companies, sleeping car companies and toll bridge companies shall constitute Class Two. In fixing such rates each year the department shall take into consideration all monies then on hand in the public service revolving fund and all such fees currently to be paid into said fund, to the end that the fees so collected from the several classes of such companies shall be approximately the same as the reasonable cost of supervising and regulating such classes respectively.

SEC. 2. Every auto transportation company operating under the provisions of chapter 111 of the Laws of 1921, as amended, shall, between the first and fifteenth days of January, April, July and October of each year, file with the department of public service a statement showing the gross operating revenue of such company from intrastate operations for the preceding three months or portion thereof, and shall pay to the department a fee of $\frac{2}{5}$ of one per cent of the amount of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than two dollars and fifty cents. The percentage rate of gross operating revenue to be paid

Auto transportation company, statement and payment of fee.

in any period may be decreased by the department by general order entered before the fifteenth day of the month preceding the month in which such fees are due. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the fees collected hereunder shall be approximately the same as the reasonable cost of regulating auto transportation companies. The department shall also collect the following miscellaneous fees: Application for a certificate of public convenience and necessity or to amend a certificate, \$25.00; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, \$10.00.

Storage
warehouse-
man, state-
ment and
payment
of fee.

SEC. 3. Every storage warehouseman operating under the provisions of chapter 154 of the Laws of 1933, shall, on or before the thirtieth day of September, 1937, and of each year thereafter, file with the department a statement on oath showing his gross operating revenue from intrastate operations for the preceding fiscal year ending June thirtieth or portion thereof, and pay to the department one per cent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars. The percentage rate of gross operating revenue to be paid in any year as herein provided may be decreased by the department by general order entered before September first of such year. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the monies collected hereunder shall be approximately the same as the reasonable cost of regulating storage warehousemen.

Steamboat
company,
statement
and payment
of fee.

SEC. 4. Every steamboat company operating under the provisions of chapter 248 of the Laws of 1927 and every wharfinger or warehouseman as defined by chapter 117 of the Session Laws of 1911,

shall, on or before the first day of April of 1937 and of each year thereafter, file with the department a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the department a fee of $\frac{2}{5}$ of one per cent of the amount of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year as herein provided may be decreased by the department by general order entered before March first of such year. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the fees so collected from steamboat companies and wharfingers or warehousemen as a group shall be approximately the same as the reasonable cost of supervising and regulating such companies as a group.

SEC. 5. The department is hereby authorized to create and maintain in the public service revolving fund reserves for the several groups or classes of public utilities as follows:

Class (1), being electric companies, gas companies, water companies, telephone companies, telegraph companies, steam heating companies, and irrigation companies, \$200,000.00;

Class (2), being railroad companies, electric railroad companies, express companies, sleeping car companies, and toll bridge companies \$15,000.00;

Class (3), being auto transportation companies \$15,000.00;

Class (4), being storage warehousemen \$15,000.00;

Class (5), being steamboat companies \$15,000.00;

Class (6), being motor carriers as defined by chapter 184, Laws of 1935, \$150,000.00.

Vetoed.

Vetoed. } Accruals to said reserve fund shall be provided for in the fees required by this and other acts and the annual accruals for the several groups of companies shall be fixed in proportion to the expenses incurred by the department in supervising and regulating such groups respectively during the preceding fiscal year.

Disposal of collections.

SEC. 6. All monies collected under the provisions of this act shall within thirty days be paid to the state treasurer and by him deposited to the public service revolving fund.

Legislative intent.

SEC. 7. It is the intent and purpose of the legislature that the several groups of public service companies shall each contribute sufficient in fees to the department to pay the reasonable cost of regulating the several groups respectively. The department shall keep accurate records of the costs incurred in regulating and supervising the several groups of companies subject to regulation or supervision and such records shall be open to inspection by all interested parties. The records and data upon which the department's determination is made shall be considered *prima facie* correct in any proceeding instituted to challenge the reasonableness or correctness of any order of the department fixing fees and distributing regulatory expenses.

Partial invalidity.

SEC. 8. If any section or part of a section, clause or sentence of this act should for any reason be declared unconstitutional and invalid such adjudication shall not affect the validity of any of the remaining portions of the act or if the application of the act to any person or circumstance be held unconstitutional or invalid such adjudication shall not affect the application of the act to any other persons or circumstances not directly involved in the action wherein such adjudication was made.

SEC. 9. Section 1 of chapter 113 of the Session Laws of 1921 as amended by section 1 of chapter 107 of the Session Laws of 1923 as amended by section 1 of chapter 107 of the Session Laws of 1929 and section 2 of chapter 248 of the Session Laws of 1927 and chapter 108 of the Session Laws of 1929 and section 11 of chapter 154 of the Session Laws of 1933 be and the same hereby are repealed.

Statutes
repealed.

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

Effective
immediately.

Passed the House March 8, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 15, 1937, with the exception of section 5, which is vetoed.

CHAPTER 159.

[H. B. 530.]

DEVELOPMENT OF STATE CAPITOL GROUNDS.

AN ACT authorizing the state capitol committee to develop and extend the state capitol grounds, seek Federal assistance, and making an appropriation.

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

SECTION 1. That the state capitol committee is hereby authorized to prepare and carry out an extended plan for the improvement of the area in and adjacent to Olympia, Washington, known as the Des Chutes Water Basin, such improvement to be in keeping with and become a part of the capitol building and grounds; to acquire by purchase or condemnation such tide or other lands necessary therefor; to include in such plan the submerging of the mud flats by the creation of an artificial lake through the construction of a dam, bulkhead or spillway near